

3rd objection.—Under the third and main objection, it was contended, first.—That the Ordinance 17th Geo. III, cap. 10, upon which this prosecution purported to be based, was no longer in force, it having been repealed by the 55th Geo. III, cap. 5, which substituted other provisions on the same subject, and the 17th section of which enacted, as follows:—“That an Ordinance passed by the Governor, and the Legislative Council of the late Province of Quebec, on the 29th day of March, in the seventeenth year of the reign of our Sovereign Lord George the Third, intituled, “An Ordinance concerning Bakers of Bread in the towns of Quebec and Montreal,” be, and the same and every part thereof is hereby repealed.” That although the latter Act, which was continued in force from time to time until the 1st May, 1832, was a temporary Act, it nevertheless had the effect of repealing for ever the Ordinance in question; and upon this head Durrant on Statutes, p. 675, was cited to show that “where a Statute professes to repeal absolutely a prior law, and substitutes other provisions on the same subject, which are limited to continue only till a certain time, the prior law does not revive after the repealing Statute is spent, unless the intention of the Legislature to that effect is expressed.” And secondly.—Because all the powers formerly vested in the Justices of the Peace were by the Incorporation Acts 3rd and 4th Vict. c. 35, s. 43, and 8th Vict. c. 60, s. 8, transferred to, and are now vested in the Corporation of the city of Quebec.

MESSRS. CAIRNS and RHEAUME were heard on the same side.

Mr. Ross in answer to the objection to the jurisdiction founded upon the word “Commissioner.” contended that the terms “Commissioners of the Peace” and “Justices of the Peace,” were synonymous and perfectly identical in their import. That from the year 1717, when the Council for the Province of Quebec commenced its Legislation, up to the year 1784, the term “*Commissioner* of the Peace” was alone used by the Legislature; in support of which he referred to the Ordinances 17 Geo. 3, c. 4, s. 7.—c. 7, s. 4 and