

In 1791 The Constitutional Act (31 Geo. III. (1) c. 31) was passed, by which the Province of Quebec was divided into the Provinces of Upper and Lower Canada, in both of which the English criminal law prevailed. Nine years afterwards, on July 4th, 1800, the Legislature of Upper Canada passed an act now embodied in R.S.C. c. 144, declaring the criminal law of England as it stood on the 17th September, 1792, to be the criminal law of Upper Canada.

By the Treaty of Utrecht (1713) Louis the XIV. ceded to Great Britain "all Nova Scotia or Acadie with its ancient boundaries—together with the dominion and property of said lands and all right whatsoever." This cession was confirmed by the Treaty of Paris. At this time New Brunswick formed a part of Nova Scotia, but in 1784 it was formed into a separate province.

The General Assembly of Nova Scotia, in 1759, claimed that Nova Scotia "did always of right belong to the Crown of England, both by priority of discovery and ancient possession." The English law, both "the common law and all the statute law applicable to its colonial condition," was considered to have extended to that province. This was the case also in regard to Prince Edward Island, which was ceded to Great Britain by the Treaty of Paris, and was, by the proclamation of 1763, annexed to Nova Scotia, being, however, formed into a separate province in 1769.

Thus in all the provinces which were the original constituents of the Dominion at the time of Confederation, the criminal law of England was in force, modified of course in many particulars by provincial legislation.

By s. 129 of the British North America Act, the laws in force in each of the provinces at the date of Confederation were continued until repealed or altered by the proper Legislature. By s. 91 (27) the criminal law including procedure in criminal matters was placed within the exclusive jurisdiction of the Dominion Parliament.

On the 1st day of July, 1893, The Criminal Code 1892, passed by the Parliament of the Dominion, came into force, since which time there has been one uniform rule of criminal law for the whole Dominion of Canada.

The importance of uniformity in this branch of law is well described by Dr. Woodrow Wilson as follows: "In the criminal law again, variety works social damage, tending to concentrate