

re-enacted with some amendments in the Army Act, 1881, which is now in force.

The Army Act 1881, (which of itself has no force), is brought into operation annually by an Act of Parliament called "The Army (annual) Act," thus securing the constitutional principle of the control of Parliament over the discipline requisite for the government of the army.

It should be remembered that the Army Act is part of the Statute Law, and that all persons, irrespective of their being subject to military law, are bound to obey those provisions contained in it which are applicable to them, for instance, policemen are liable with respect to billeting or impressment of carriages. Innkeepers with respect to billeting, and all persons in reference to certain offences specified in the Act.

As to the application of Imperial legislation in Canada we are governed by the rules affecting the territorial effect of Imperial statutes in the British Colonies.

Hardcastle, on Statutes, 2nd ed., 1892, on pp. 446-449, says on this subject: "Theoretically the British Parliament can legislate for the whole empire, but it is never presumed to legislate except for the whole United Kingdom, unless apt words are inserted in the Act" (in the present instance this has been done and the Act 63 & 64 Vict., c. 5, must be read and construed as part of the Army Act). Acts which extend to all Her Majesty's Dominion override the inconsistent provisions of every prior Imperial or Colonial Act relating to any British possession. This is a clear constitutional rule and has been recognized in Canadian decisions: *Reg. v. College of Physicians and Surgeons*, 44 U.C.R. 564.

On page 425 the same writer says: "It has more than once been contended in Canada that the British North America Act, 1867, amounted to an abdication by the Imperial Parliament of all legislative authority in Canada in respect of the matters dealt with by that Act. But this contention appears to have been based on reasoning from the Constitution of the United States, and has been rejected by the Canadian courts. In 1879 it was contended that the Imperial Medical Acts of 1858 and 1868 were overridden by the British North America Act of 1867, and by the Ontario Act of 1874, passed in execution of the legislative authority given by the