

in any province." It is not denied that the place in question was one in respect of which the Parliament of Canada was authorized to make such provisions, but it appears to be suggested that any provisions differing from the provisions which in this country have been made for administration, peace, order and good government, cannot, as matter of law, be provisions for peace, order and good government in the territory to which the statute relates; and, further, that if a court of law should come to the conclusion that a particular enactment was not calculated as a matter of fact and policy to secure peace, order and good government, they would be entitled to regard any statute directed to those objects, but which the court might think likely to fail of that effect, as *ultra vires* and beyond the competency of the Dominion Parliament to enact. Their lordships are of opinion that there is not the least color for such a contention. The words of the statute are sufficient to authorize the utmost discretion of enactment for the attainment of the objects pointed to. They are words under which the widest departure from criminal procedure, as it is known and practised in this country, has been authorized in Her Majesty's Indian Empire. Forms of procedure unknown to the English common law have there been established and acted upon, and to throw the least doubt upon the validity of powers conveyed by those words would be of widely mischievous consequence. Upon the construction of the Canadian Statute, 43 Vic., cap. 25, there was, indeed, a contention that high treason was not included in the words "any other crimes," but it is too clear for argument, even without the assistance afforded by the tenth section, that the Dominion Legislature did contemplate the commission of high treason as within the orbit of the jurisdiction they were creating. The second point suggested assumes the validity of the act, but is founded on the assumption that the act itself had not been complied with. By the 7th sub-section of the 76th section it is provided that "the magistrate shall take, or cause to be taken, in writing, notes of the evidence and other proceedings thereat;" and it is suggested that this provision has not been complied with, because, though no

complaint is made of inaccuracy or mistake, it is stated that the notes were taken by a shorthand writer under the authority of the magistrate and by a subsequent process extended into ordinary writing intelligible to all. Their lordships desire to express no opinion as to what would have been the effect if the provision of the statute had not been complied with, because it is unnecessary to consider whether the provision is directory only, or whether the failure to comply with it would be ground for error, inasmuch as they are of opinion that the taking full notes of the evidence in shorthand was a causing to be taken in writing full notes of the evidence, and, therefore, a literal compliance with the statute. Their lordships will, therefore, humbly advise Her Majesty that leave should not be granted to prosecute this appeal, and that this petition should be dismissed.

QUEEN'S COUNSEL.

The following barristers have been appointed Queen's Counsel:—

Province of Ontario.

Ephraim Jones Parke, Toronto. James Henry Morris, Toronto. Edward Martin, Hamilton. Charles Richard Atkinson, Chatham. Samuel Hume Blake, Toronto. Alexander Bruce, Hamilton. William Douglas, Chatham. William Nicholas Miller, Toronto. William Alexander Foster, Toronto. James Fox Smith, Toronto. James Peter Woods, Stratford. John Wesley Beynon, Brampton. Hugh McMahan, Toronto. John Idington, Stratford. William Laidlaw, Toronto. William Albert Reeve, Toronto. Robert Cassels, Ottawa. Donald Guthrie, Guelph. James Harshaw Fraser, London. Henry Becher, London. Edmund Meredith, London. Alexander James Christie, Ottawa. Colin Macdougall, St. Thomas. Henry Hatton Strathy Barrie. James Thompson Garrow, Goderich. James Holmes Macdonald, Toronto. Edward Handley Smythe, Kingston. William Glenholme Falconbridge, Toronto. James Masson, Owen Sound. Alfred Passmore Poussette, Peterborough. Charles Henry Ritchie, Toronto. Charles Oakes Zaccheus Ermatin-ger, St. Thomas.