have power to vest in municipal institutions the right of punishing infractions of *their* by-laws by fine, penalty *and* imprisonment?

The true rule to follow, it is submitted, with respect to the legislative jurisdiction of Provincial Legislatures, is to confine it strictly to the subjects expressly allotted to them, and in all cases where there is the slightest conflict between the local and federal legislative jurisdiction as to the right to legislate upon any matter, to place it amongst the subjects falling within the powers of the Dominion Parliament.

So far as Procedure in criminal matters is concerned, Provincial Parliaments have no right to legislate, even upon the procedure to be followed in order to secure the punishment of persons guilty of infraction of their own laws. It is perfectly true that Provincial Legislatures have the right of creating certain crimes under s. 92, § 15, by imposing punishment for enforcing observance of their laws; but having so created the crime, their powers with respect to it, save in one particular, appear to end; it then becomes a portion of the Criminal Law, over which the Federal Parliament has jurisdiction, and the Federal law of criminal procedure governs all the proceedings to be taken against the offender, the Provincial Legislature having, however, the exclusive right of repealing the Act by which such crime was created, and thereby removing it from the calendar of crimes.

It may be here remarked that it is exceedingly doubtful if Provincial Legislatures can appoint the mode in which a person accused of a crime created by a local Act can be tried. It would seem as if in the Federal Parliament alone was vested the power of providing that certain offenders should be tried summarily. consequently, as the law of procedure exists at the present moment, all persons charged with offences created by Provincial Legislatures must be tried before a jury. The only mode in which this inconvenience can be remedied is by Act of the Federal Parliament, providing that in all cases, wherein the punishment for an offence imposed by any Act does not exceed a certain sum, or a specified term of imprisonment, the offender shall be tried summarily.

In conclusion, it is submitted that by "The British North America Act, 1867," it was intended to place the Criminal Law and the administration of justice in criminal matters amongst the exclusive powers of the Federal Parliament—that but two exceptions to the general rule therein laid down are made, one by s. 91, sec. 27 and s. 92, sec 14, by which the constitution, maintenance, and organization of Provincial Courts of criminal jurisdiction are placed amongst the exclusive powers of Provincial Legislatures; the other by s. 92, sec. 15, by which in each Province the Legislature may exclusively make laws imposing punishment by fine, penalty or imprisonment, for enforcing any law of the Province made in relation to any matter coming within any of the classes of subjects enumerated in s. 92.

Evidently the intention of the British Parliament was to provide for the uniformity of the Criminal Law throughout the Dominion—to avoid the inconvenience of having one system of procedure governing Federal crimes, and another system governing Provincial crimes.

The delicious *pot pourri* which might be expected if Provincial Legislatures had unlimited power to meddle with Criminal Procedure is apparent from 34 Vic. c. 2, s. 171 (Quebec), which is in the following words:

"In prosecutions for the sale or barter of intoxicating liquor of any kind, without the license therefor by law required, or contrary to the true intent and meaning of the law in that behalf, it shall not be necessary that any witness should depose directly to the precise description of the liquor sold or bartered, or the precise consideration therefor, or to the fact of the sale or barter having taken place with his participation, or to his personal and certain knowledge, but the justices trying the same, so soon as it may appear to them that the circumstances in evidence sufficiently establish the infraction of the law complained of, shall put the defendant on his defence, and in default of his rebuttal of such evidence, shall convict him accordingly."

It is to be remembered that penalties to a very large amount may be inflicted under 34 Vic. c. 2, and that in default of immediate payment, it is therein provided that, at the option of the prosecutor, the defendant may be imprisoned for a period of not less than two, and not exceeding six months, so that there can be no doubt that all acts therein prohibited under pain of punishment, are crimes, created by the legislature of Quebec under and by virtue of s. 92, § 15 of "The British North America Act, 1867." But whence did the Quebec Legislature draw authority to *amend* and alter the law of procedure in criminal matters as is attempted by 34 Vic. c. 2, ss. 148—199?

It is submitted that all the sections of that Act, having reference to procedure are null, void, and of no effect, having been passed in violation of the provisions of "The British North America Act, 1867."—Wm. H. Kerr. —*La Revue Critique.*

Deceased Wife's Sister Bill. — In reply to Mr. Eykyn, Mr. Gladstone said that the Government could hold out no expectation that they would make themselves responsible for the passing of this Bill during the present session. It was true that the larger number of the members of the Government had given to the Bill all the support in their power, but there was a considerable division of opinion with respect to it, which did not at all run in accordance with the divisions of parties in the House, and the Bill had never been treated as a Government Bill.—*Law Times.*