

sideration, in the first place, that Imperial legislation prior to Confederation has really no bearing upon the subject, and that the provision in the Colonial Statutes Act of 1865, passed in the Imperial Parliament, and designating the powers which Colonial Legislatures possessing representative institutions can wield, has really no bearing on the subject, for this very obvious reason, that, in 1867, by the British North America Act, there was a completely new distribution of the powers by the Imperial Parliament. In reference to all the provinces of Canada, I think I am speaking within the lines of the decisions, which have all run one way, proceeding from the Judicial Committee of the Privy Council, all the legislative powers and constitutional functions which existed down to that time in the various provinces in British North America were, for the instant, taken back by the Imperial Government and redistributed under the terms of the British North America Act. Whether I am strictly correct in stating that they were taken back or not, certain it is that from that time forward the distribution of powers in those various provinces must depend upon the provisions of that Act, and on that Act alone. Nowhere is it provided in that Act that Her Majesty shall be considered an integral part of the Provincial Legislatures. So much for the early Imperial legislation on the subject. I will come by-and-by to refer to the hon. gentleman's argument, that Her Majesty's prerogatives are necessarily involved in the administration of public affairs in each province. That I do not dispute. I am confining my argument for the present to the contention that Her Majesty is not an integral part of the Legislatures of the provinces, as was held, and properly held, in the case of *Lenoir v. Ritchie*. As to the practice which the hon. gentleman has cited, of Provincial Legislatures using her Majesty's name in the enacting part of the statutes of the provinces at various times, I beg likewise to differ from him, both as to the conclusions which he would draw from that circumstance, and as to the extension of the practice itself. In the province of Canada, the practice did exist before Confederation, of enacting these statutes in the name of the Queen, and that

practice, without authority, I think, without anything more to be said for it than a mere desire to continue the form which prevailed before Confederation, was carried forward and continued, and to this day, not only in Ontario, but in the province of Quebec, the statutes continue to be enacted in the name of the Queen. Now, it does not by any means follow that Her Majesty is the enacting power, and as to the correctness of that practice, I do not feel myself sufficiently informed to criticise the soundness of it, as applied to the province of Canada before Confederation. It may have been proper to use it there, on account of the circumstance that in that province Her Majesty's rule was administered by her direct representative, the Governor General. But I can assure the hon. gentleman that that practice did not exist in the other province of Canada, and that from the time representative institutions were given, down to the present moment—outside, I mean, of the old limits of Canada—the statutes were, from the earliest periods, and are to-day, enacted in the name of the Governor in Council and of the Assembly, without any pretence whatever that Her Majesty is part of the legislative body. I conceive, Sir—and in this respect I again differ from what the hon. gentleman has said—that that is of no material consequence whatever; and I am unable to agree with the hon. gentleman, that if Her Majesty is not a part of the Legislature of the province, it follows that the statutes purporting to be passed in Her Majesty's name are invalid, or inoperative, or should have been disallowed. On the contrary, the vitality of a statute arises from the fact of its having been enacted, by the powers which have a right to pass it, within the British North America Act. If a statute is passed by the Lieutenant Governor of a province, with the advice of his Assembly, and his Legislative Council if he have one, that statute is valid, as the statute of the province, and as I submit, valid, altogether irrespective of any style by which it purports to have proceeded from her Majesty. If the Act was actually passed by the Legislature of the province, it is immaterial that it purports to have been enacted likewise in the name of Her Majesty.

[To be continued].