

this should be deemed to include the power of commuting and remitting sentences for offences against the laws of the Province, or offences over which the legislative authority of the Province extends. In the court of first instance,* Boyd, C., in expressing his view of the matter refers to the principle we are now discussing, and it will be seen that he holds that legislative power carries with it a corresponding executive power, though all executive power may be prerogative power, but he does not seem to go the whole length of holding that, by the British North America Act, there was made a distribution of all prerogative powers, so far as concerns the internal affairs of the Dominion, between the Governor-General and the Lieutenant-Governors of the various Provinces. He says: "Now, it is a well-settled principle of public law that, after a colony has received legislative institutions, the Crown (subject to the special provisions of any Act of Parliament) stands in the same relation to that colony as it does to the United Kingdom: *In re the Lord Bishop of Natal*, 3 Moo. P.C.N.S., at p. 148. Effective colonial legislation as to pardon may be attributed to the fact that the Crown is a constituent of the local law-making body. . . . The power to pass laws implies necessarily the power to execute or suspend the execution of those laws, else the concession of self-government in domestic affairs is a delusion. The sovereign power is a unity, and, though distributed in different channels and under different names, it must be politically and organically identical throughout the empire. Every act of government involves some output of prerogative power. Prerogatives of the Crown may not have been in any sense communicated to the Lieutenant-Governor as representative of the Queen; and yet the delegation of law-making and other sovereign powers by the Imperial Parliament to the legislature of Ontario may suffice to enable that body, by a deposit of power, to clothe the chief provincial functionary with all needful commuting and dispensing capacity, in order to complete its system of government."

In the Court of Appeal, however, Burton, J.A., goes the whole length of the contention in the despatch of the Lieutenant-Governor of Ontario, above cited, saying †: "I have always been of

* 20 O.R., at pp. 249-50 (1890).

† 19 O.A.R. at p. 38 (1892).