by the former Act, the British North America Act, as being the later one, must prevail. But even without this view, I cannot think that the repugnancy referred to is such as would be involved by an amendment or repeal of an Act of the Imperial Parliament upon a subject upon which plenary powers of legislation were subsequently given to the Parliament of Canada. There could only be considered to be repugnancy within the meaning of the Act if it appeared by the Imperial Act that it was to remain in force notwithstanding any subsequent action of the colonial legislature, or if it were enacted after the plenary powers of legislation were granted, and were thus shown to be intended to override any Act which the colonial legislature had passed or might thereafter pass. It will be observed also that it is only an Act of Parliament "extending to the Colony" to which reference is made in the section cited; and by the first section of the Act, in construing the Act, "An Act of Parliament or any provision thereof," is only to be said to "extend to any colony when it is made applicable to the colony by the express words or necessary intendment of any Act of Parliament." And by section 3, "No Colonial law shall be deemed to have been void or inoperative on the ground of repugnancy to the law of England, unless the same shall be repugnant to the provisions of some such Act of Parliament, Order, or Regulation as aforesaid." Thus, it was evidently not the intention to exclude the colonial legislatures from making laws inconsistent with those which may have been enacted by the British Parliament for Britain or the United Kingdom particularly, and which may be in force in the colony solely by virtue of the principle that the British subjects settling therein carried with them the laws of Britain, or that by conquest the laws of Britain came in force. By the fifth section of this same Act, "Every colonial legislature shall have and be deemed at all times to have had full power within its jurisdiction to establish courts of judicature, and to abolish and reconstitute the same, and to alter the constitution thereof, and to make provision for the administration of justice therein." It must surely, then, not have been intended that such a legislature should be limited in its establishment of these courts, and in its regulation of the procedure therein, to courts constituted as those of England, and a procedure similar to that which Parliament has thought proper to establish for English courts, or to a jury system which can be traced back to the early ages of English history, or even to trial by jury at all.

Nor can I see any reason to suppose that it was not intended that the Parliament of Canada should not have power to legislate regarding the crime of treason in Canada. It certainly seems to be given when power is given to make laws for the peace, order and good government of Canada. Even jurisdiction to declare what shall be and what shall not be acts of treason, when committed within Canada, against the person of the Sovereign herself, might safely be committed to the Parliament of Canada when the Sovereign is a part of Parliament, and has also power of disallowance of Acts, even after they have been assented to in her name by the Governor General. The propriety or impropriety of providing for the selection of a jury by a stipendiary magistrate appointed by the Crown to hold office during pleasure, of reducing to so small a number the peremptory challenges, and other provisions relating to the constitution of the court and the mode of procedure to which objection has been made, is for Parliament and not for the Courts to decide. We can only decide whether Parliament has, as I think it clearly appears that it has, even without the Rupert's Land Act, full power to constitute courts and to determine their method of procedure. With the provision in the Rupert's Land Act, authorizing the Parliament of Canada "to constitute such courts and officers as may be necessary for the peace, order and good government of Her Majesty's subjects and others" in the North-West Territories, it does not appear that there can be any doubt that such courts are to be constituted with power to try a charge of high treason, as well as any other charge.

That the Canadian Parliament intended that the Court constituted under the North-West Territories Act of 1880, section 76, sub-sections 5 and following sub-sections, should have power to hear and try a charge of treason, there can be no doubt. After provision is made for the trial of certain charges in a summary way, without a jury, the provision in sub-section 5 is that "*In all other criminal cases* (which must include a case