legislative authority as "the Legislature of the Province of Canada," and uses the term, "Act of the Legislature of the Province of Canada" (ss. 23, 24, 28, etc.), which, by s. 61, is defined to mean "An Act of Her Majesty, her heirs or successors, enacted by Her Majesty, or by the Governor, on behalf of Her Majesty, with the advice and consent of the Legislative Council and Assembly of the Province of Canada."

It will be seen that the two Imperial Acts above cited expressly made the Crown a constituent part of the former Provincial Legislatures.

Such were the constitutional provisions respecting the legislative prerogative of the Crown, in what is now Ontario, when the B.N.A. Act was passed. By that Act two legislative bodies were established, one the Parliament of Canada, "consisting of the Queen, an Upper House styled the Senate, and the House of Commons;" the other, the Provincial Legislatures, which, in Ontario, was described as consisting of the Lieutenant-Governor and the Legislative Assembly. And it has been from this short description of the legislative authority of the Province that some learned judges have contended in *obiter dicta* that the Crown is no constituent part of the Provincial Legislature.

There are three answers to this contention: (1) The common law of the prerogative of the Crown in legislation; (2) The prior Imperial legislation which distinctly affirmed and made that prerogative of the Crown essential in Provincial legislation; (3) The express continuation of that prerogative in provincial legislation by the B.N.A. Act. We have already amplified the propositions referred to in first and second of these answers, and shall now proceed to consider the third.

The B.N.A. Act by s. 129 continued the Imperial and Provincial laws then in force in the provinces in these words: "Except as otherwise provided by this Act, all laws in force in Canada, Nova Scotia and New Brunswick, at the Union . . . . . shall continue in *Ontario*, Quebec, Nova Scotia and New Brunswick respectively as if the Union had not been made; subject nevertheless (except with respect to such as are enacted by, or exist under, Acts of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland) to be repealed, abolished, or altered by the Parliament of Canada, or by the Legislature of the respective province, according to the authority of the Parliament or of that Legislature under this Act."

It will be noticed that the only repeal of the then existing laws is contained in the words, "Except as otherwise provided by this Act;" so that where the B.N.A. Act did not "otherwise provide," the prior Imperial and Provincial laws were continued and retained their legislative power. There is nothing in the B.N.A. Act taking away the prerogative of the Crown, or its power of legislation, as given by the prior Imperial Acts over the territory or the classes of subjects assigned to the provinces. On the contrary it must be conceded that the legal effect of the 129th section is to re-enact in the new Provinces of Ontario and Quebec so much of the provisions of the Union Act of 1840, as made and recognized the Crown a constituent part of the legislative power of old Canada. And turning to the Provincial Acts enacted under these Imperial Acts one, C.S.C. c. 5, was