

The portions of the Statute which bear on this subject are—

Division VI.—*Distribution of Legislative Powers.—Powers of the Parliament.*

By section 91, it is enacted that "It shall be lawful for the Queen, by and with the advice and consent of the Senate and House of Commons, to make laws for the peace, order and good government of Canada, in relation to all matters not coming within the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this section, it is hereby declared that (notwithstanding any thing in this Act) the exclusive Legislative authority of the Parliament of Canada extends to all matters coming within the classes of subjects next hereinafter enumerated."

Then follows the enumeration of twenty nine classes, one only of which refers to the matter in question, viz. the 27th—"The Criminal Law, except the constitution of Courts of Criminal Jurisdiction, but including the procedure in criminal matters."

Under head—"Exclusive powers of Provincial Legislatures,"—Section 92 enacts that "In each Province the Legislature may exclusively make laws in relation to matters coming within the classes of subjects next hereinafter enumerated." They are sixteen in number, of which is—

No. 1. "The amendment from time to time, notwithstanding any thing in this Act, of the Constitution of the Province, except as regards the office of Lieutenant Governor."

No. 13. "Property and Civil rights in the Province."

No. 14. "The administration of justice in the Province, including the constitution, maintenance and organization of Provincial Courts, both of Civil and Criminal jurisdiction, and including procedure in Civil matters in those Courts."

No. 15. "The imposition of 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 this section."

Under Division VII—"Judicature,"—after providing that the Governor General shall appoint the Judges of the Superior, District and County Courts in each Province; specifying the Bars from which they shall be selected; the tenure of office of the Judges of the Superior Courts; and that their salaries, &c. shall be fixed and provided by the Parliament of Canada; section 101 provides that "The Parliament of Canada may, notwithstanding any thing in this Act, from time to time provide for the constitution, maintenance and organization of a General Court of Appeal for Canada, and for the establishment of any additional Courts for the better administration of the *Locus of Canada*."

Under Division IX—"Miscellaneous Provisions,"—Section 129 enacts that "Except as otherwise provided by this Act, all laws in force in Canada, New Brunswick and Nova Scotia at the Union, and all Courts of Civil and Criminal jurisdiction, and all legal Commissions, powers and authorities, and all officers, judicial, administrative, and ministerial, existing therein 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."