

subordinate to Federal legislation, and not Federal legislation subordinate to Local legislation.

The attempt has been made to assimilate a general grant of legislative power, conferred by the Imperial Parliament, in the establishment of Representative Governments for its Colonial Dependencies, to the statutory enactment of a Legislature taking away the personal liberties of the subject as a penalty for the violation of a criminal law. On the assumption of such an analogy, the application is made of the same rule of interpretation, which, by law, restricts the Judiciary in their construction of a penal statute.

It is not surprising that jurists who take such a view of representative governments, and attempt to establish such analogies, have been perplexed by some of the decisions of their Lordships of the Privy Council. But it is a well-settled rule of construction as to any grant of constitutional powers conferred upon a legislature in general terms (*i. e.*, without undertaking to restrict the grant by any specific enumeration), that it is to be liberally construed as to its extent and nature, and that it includes all the implied powers necessary to carry the general power into effect.

Amid such diversity of views, both parties are hopefully looking to the Imperial Privy Council to adjust and settle this question of jurisdiction on sound principles, so accurately enunciated that they will constitute an abiding and well-defined boundary line between Federal and Provincial authority.

The Supreme Court of Canada, owing its origin to the Federal Legislature, which gave it its power and jurisdiction, necessarily took cognizance of the questions submitted to it, although no case was before it directly involving the redress of any grievance, or the protection or enforcement of any right.

As the Imperial Statute, constituting the Judicial Committee of the Privy Council, a Court of Record, gave it a special appellate jurisdiction in cases of appeals from orders, sentences and decrees of the Colonial Courts, some doubts existed as to the competency of the Judicial Committee to