In the construction of such a statute, if doubt existed as to the meaning of any of its terms, it would be the duty of the Court, according to one of the established rules of construction, so to interpret them, as to suppress the mischief, and advance the remedy provided by the Legislature; whereas, if we were to adopt the construction contended for, we should disregard both mischief and remedy, and prefer an unreasonable construction destructive, of the statute, to one perfectly reasonable, calculated to give it effect, and reconcile all its parts with each other. We should also contravene a maxim of Lord Bacon, onthis subject, who says, "words in a Statute may be taken "*to a foreign, but never to an unreasonable, an impertinent, or a repugnant intent.*" The construction which we maintain is, also, strongly confirmed by the policy which has dictated similar provisions, in other Statutes in *pari materia*. I refer, particularly, to the Statutes above quoted—7 & 8 W. 4, c. 22, § 9. 6 Geo. 4, c. 114, §. 49, and 3 & 4 Will. 4. c. 56. It was the object of these provisions, to declare and enforce the restraint, under which colonial legislatures were to exercise their dependent authority: the sense in which the words any "Act of Parliament" with which these legislatures are interdicted from any interference, are understood, in these statutes, may, with great propriety, be referred to, in determining the sense in which the same words are to be understood, in the statute now under discussion. Now, in these statutes, the words any "law," and any "Act of Parliament" include, not Acts of Parliament transplanted into, and making part of the general body of the laws, in any colony, but such acts, only, as relate to and make mention of the colonies.—A sure and sound exposition of the words any "Act of Parliament" is thus obtained, from the legislature itself, by which all these acts have been passed; and, in adopting this exposition, on the present occasion, we run no hazard of falling into error, as to the intention of the Imperial Parliament, in the use of the same words, in the statute, 1 Victoria, c. 9.

I cannot, however, pass over this ground of construction, without observing, that as respects the subject in hand, this construction is further confirmed, by the stastute 14 Geo. 3, c. 83, already quoted, by which, on the permanent establishment of the criminal law of England in this Province, it was expressly subjected to such alterations, as the colonial legislature, constituted by that act, might think proper to make in it. Besides the expediency and fitness of confiding such a power to the local legislature, with respect to a body of laws, made for another country, and, necessarily, requiring adaptation to the country in which it was introduced, the British Parliament, it is to be presumed, was governed, in this enactment, by its general colonial policy already adverted to. The legislature, to which the power of altering the criminal law is thus given, was constituted, precisely, as the present Provincial Legislature now is. This power having been thus given to the former Legislature, when tranquillity prevailed within the Province, it could never have been intended to withhold it from the latter, at a period of civil commotion and rebellion, when the power of the local Legislature might require enlargement, but could not suffer abridgement, without detriment to the public safety. The power which is now contested, as not belonging to the present Legislature, namely, that of suspending the *Habeas Corpus* law, it must further be observed, would have belonged to the Legislative Council, established under the Act 14 Geo. 3, c. 83, and is incident to the Legislative authority of every English Colonial Legislature. It was exercised by the suspended Legislature during a series of years, as may seen in acts passed by it, annually, between the years 1797 and 1811, (*a*). In countries where the principles of English Government obtain, the exercise of this power, in cases of civil commotion and rebellion, is, frequently, a matter of necessity; and, even in England, where the liberty of the subject is so strongly protected, considerations of expediency have, repeatedly, caused this measure to be resorted to. From the reign of William the 3rd, down to that of George the 3rd, at periods when the public safety seemed to require it, the suspension of the *Habeas Corpus* act has taken place. In suspending the *Habeas Corpus* law, therefore, in the recently convulsed state of this Province, the existing Legislature not only exercised a power, to which it was perfectly competent, but a power which has been sanctioned, by the usage of the parent state, in cases of less urgency.

The construction of the statute, which is now insisted upon, is further confirmed by the consideration of the concluding part of the Proviso, by which it is provided, that the newly constituted Legislature shall not repeal, suspend, or alter "any provision of any act of the Legis- "lature of Lower Canada, as now constituted, repealing "or altering any such act of Parliament." This exception or saving of a certain class of Provincial statutes, from the power of the new Legislature, is made, in connection with the exception or saving of a particular class of acts of Parliament, which immediately precedes it; and to give effect to this part of the proviso, two conditions must concur, 1st. The act to which this exception extends must be an act of Parliament of Great Britain, or of the Parliament of the United Kingdom: and 2dly. This act must have been repealed or altered, by the suspended Legislature.—Now, there are no statutes transplanted into this Province, from the statute book of England, making part of the law of this Province, without having been enacted for the colonies in general or for Canada in particular, which had been repealed or altered, by any act of the Legislature of Lower Canada, as constituted at the time of the enactment of the Proviso, as to which the concluding part of this Proviso could apply: but there were, at that time, important statutes, made expressly for Lower Canada, by the Imperial Parliament, which, under an express authority of that Parliament, to that effect, had been in part repealed and altered, by the suspended Legislature. These statutes also, as in part repealed and altered by the suspended Legislature, are laws, which the most numerous portion of the inhabitants of the Province, that is, the inhabitants of French origin, are desirous of maintaining, in complete integrity; while another portion of the inhabitants, that is, the inhabitants of British origin, would readily dispense with, or alter, and modify some of the provisions contained in them. Here, then, is a class of Provincial statutes, which, it would, naturally, enter into the policy of the Imperial Parliament, to protect against change or innovation, by the newly constituted Legislature, in which the influence of the less numerous portion of theinhabitants might preponderate. The act of Parliament, establishing the constitution of this Province passed in the year 1791, (*c*) and the Act of Parliament commonly called the the Tenures Act, (*d*) are acts of the description now mentioned, both these acts having, under the authority of Parliament, been in part repealed and altered, by the suspended legislature. It is plain, then, from the concluding part of the proviso, that the words any "Act of Parliament" cannot be understood, as importing acts of Parliament, not made for this Province and transplanted into it, but must be understood as importing acts of Parliament, made for the Colonies in general, or Canada in particular. So far as this last class of acts of Parliament are in question, the proviso, on the establishment of the new Colonial Legisla-

(*a*) Vide Prov. Stat. passed annually from 37 Geo. 3, to 51 Geo. III. c. 11 inclusive.

(*c*) Vide Brit: Stat: 31. Geo: III, c. 31.

(*d*) Vide Imp: Stat: 6, Geo: IV, 1. W. 4, c: 20. Prov: Stat: 9, Geo: IV, c: 59.