

Parliament are those of the whole nation, and not of delegates from the people. From this necessarily follows the complete supremacy of Parliament, its power to legislate away the rights guaranteed by Magna Charta, the Bill of Rights, or any enactments of Parliament or charters of the Sovereign. As is said by Lord Campbell in *Logan vs. Murslem*, 4 Moore P. C. Cas. 296: "As to what has been said as to a law not being binding if it be contrary to reason, that can receive no countenance from any court of justice whatever. A court of justice cannot set itself above the legislature. It must suppose that what the legislature has enacted is reasonable, and all, therefore, that we can do is to try and find out what the legislature intended."

As this Dominion was intended to be formed "with a Constitution similar in principle to that of the United Kingdom," having a Parliament not of an inferior character, but of the dignity and importance to which I have referred, there can be doubt that, in this respect, it stands in the same position as the Imperial Parliament with regard to the subject matters upon which it may legislate. That this is so has been determined by judicial decision. Mr. Justice Willes, in *Phillips vs. Eyre*, L. R. 6 Q. B. 20, says: "A confirmed Act of the local Legislature, whether in a settled or conquered colony, has, as to matters within its competence and the limits of its jurisdiction, the operation and force of sovereign legislation, though subject to be controlled by the Imperial Parliament." In the *Godhue Will Case*, 19 Gr. 382, Draper, C. J., having reference to an Act of the Provincial Legislature of Ontario, says: "As in England it is a settled principle that the Legislature is the supreme power, so in this Province I apprehend that, within the limits mapped out by the authority which gave us our present constitution, the legislature is the supreme power." This view of the position of the Provincial Legislatures is upheld by the Privy Council in *Hodge vs. The Queen*, L. R. 9 App. Cas. 117. In *Valin vs. Langlois*, 3 Sup. C. R. 1, Ritchie, C. J., says: "I think that the British North America Act vests in the Dominion Parliament plenary power of legislation, in no way limited or circumscribed, and as large and of the same nature and extent as the Parliament of Great Britain, by whom the power to legislate was conferred, itself had. The Parliament of Great Britain clearly intended to divest itself of all legislative power over this subject matter, and it is equally clear that what it divested itself of, it conferred wholly and exclusively upon the Parliament of the Dominion." And this doctrine of a delegation of powers cannot be more aptly met than in the judgment of the Privy Council in *Regina vs. Burah*, L. R. 3 App. Cas. 889, referred to by my brother Taylor. The following remarks of Lord Selborne are so applicable that I must repeat them. He says (p. 904): "The Indian Legislature has powers expressly limited by the Act of the Imperial Parliament, which created it, and it can of course do nothing beyond the limits which circumscribe those powers. But when acting within those limits it is not in any sense an agent or delegate of the Imperial Parliament, but has and was intended to have plenary powers of legislation, as large and of the same nature as those of Parliament itself."

I take it that the plenary powers of legislation conferred upon the Parliament of Canada include the right to alter or repeal prior Acts of the Imperial Parliament upon subjects upon which the Canadian Parliament is given power to legislate, so far as the internal government of Canada is concerned. The powers which the Imperial Parliament alone could formerly exercise upon these subjects in our North-West, whether by making laws entirely new, or by repeal or amendment of existing laws, our Parliament can now exercise. Nor do I think that the Imperial Act, 28 & 29 Vic. c. 13, is inconsistent with that view. Under section 2 of that Act, "Any Colonial law which is or shall be in any respect repugnant to the provisions of any Act of Parliament extending to the Colony to which such law may relate, or repugnant to any order or regulation made under authority of such Act of Parliament, or having in the Colony the force and effect of such Act, shall be read subject to such Act, Order or Regulation, and shall to the extent of such repugnancy, but not otherwise, be and remain absolutely void and inoperative." This is not in any sense an Act of Interpretation of Imperial Statutes, which is to be considered as part of and to be read with Acts of the Imperial Parliament, and if it is repugnant to the British North America Act, 1867, and if by the latter Act powers are given to the Parliament of Canada without the limitation imposed