

duced as a uniform law for both. Reference indeed to the statutes discloses the fact that conflicting measures in respect of this very matter had been enacted. Why not affirm that a Bill announced by the Imperial House to affect Ireland alone embraced Great Britain?

*Reg. v. Hart*, 20 O.R., 611—a decision of the Common Pleas Division en banc—may throw light on the situation. There, the question before the Court was whether a defendant prosecuted for infringement of a municipal by-law, was under the law as then existing a competent witness for himself. The Court, holding that he could not be such a witness, points out that the words, "imposed by or under the authority of this Act," (Municipal Act) and "exhibited or made under this Act" did not include the case of a fine inflicted or a complaint laid under a by-law. The circumstance that a statute has force within the undivided Province, whereas, a by-law extends no further than the municipality must have supplied in part the ratio decidendi of the judgment. Would there be any difference in principle in the case of laws of a country acquired by purchase or cession by another Power? It could hardly be doubted that unless explicitly preserved by legislation emanating from the new sovereignty, such laws would become obsolete.

If laws confined to one or other Province had been intended to be characterized, how easy it would have been to place the matter beyond peradventure. The use of the phrase "laws of Canada," instead of laws in force in Canada, would exactly have met the difficulty.

Then, what sense ought to be attached to the opening words of section 129, "except as otherwise provided by this act?" They cannot be devoid of meaning altogether. The British North America Act does not expressly repeal any legislation. So that, even if statutes governing a single component of the Union answered the description, many will be disposed to think that all measures of a representative body, having to do with matters in respect of which it had lost the right or been deprived of the capacity to legislate, would from the time of the alienation cease to be in force. Surely the enactment could not have been meant to bring about the survival of legislation other than such as might relate to subjects, authority over which remained with the individual Provinces.