be one Parliament for Canada, consisting of the Queen, the Senate and the House of Commons." That (sec. 55) "The Governor may assent to a Bill in the Queen's name." That (sec. 91) "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 ." (Sub sec. 27) "The criminal law, except the constitution of courts of criminal jurisdiction, but including the procedure in criminal matters"; and that (sec. 101) "The Parliament of Canada may provide for the constitution, maintenance and organization of a general Court of Appeal for Canada for the better administration of the laws of Canada."

It is submitted that this Act gives to the Parliament of Canada in respect to the subjects of Her Majesty in Canada, and in relation to the matters upon which it is authorized to legislate, powers of legislation as full and complete as those possessed by the Imperial Parliament, subject only to the power of disallowance by Her Majesty, a power which was doubtless reserved in order to maintain such control as might be necessary in matters strictly of Imperial policy, and not with a view of abridging the large measure of self-government which was intended by the conferring of a constitution "similar in principle to that of the United Kingdom."

Her Majesty's prerogative in Canada can be as effectually relinquished by an enactment made by Her "with the advice and consent of the Senate and House of Commons of Canada," as Her prerogative in Great Britain can be by enactment made by her "with the advice and consent of the Lords Spiritual and Temporal and Commons" assembled in England.

A great number of the Statutes passed by the Legislature in a colony must (and a great number of the statutes of Canada do), necessarily restrict the royal prerogative; the establishment of courts, especially such a Court of Appeal as the Supreme Court of Canada, having finality given to so many of its decisions, the regulation of the appointment of judges and their jurisdiction and of Ministers of the Crown, the conferring of powers on the latter to act in Her Majesty's name, the regulation of procedure in courts of justice, the regulation of procedure on petition of right, the statutes relating to Crown lands, and franchises, and to the public revenue, and as to the disposition of fines and forfeitures, and the remission of penalties and as to pardons, are instances which may be recited among hundreds of enactments affecting the royal prerogative as clearly as the Act in question does, although perhaps not to so great an extent.

It would seem that in several cases the Judicial Committee has at least by implication recognized the power of a Colonial Legislature by apt words to take away all appeals to Her Majesty in Council. The cases of Cuvillier *vs.* Alwyn (2 Knapp P. C. R. 72), and *In re* Lewis Marvis (15 Moore P. C. C. 189), Johnston *vs.* W. Andrews Church (3 Appeal cases, 159), and Cushing *vs.* Dupuy (5 Appeal Cases, 409), illustrate this view.

Although this branch of the subject admits of great elaboration, the undersigned forbears to discuss it more fully at present, and indeed would not have adverted to it were it not that the correspondence which has taken place with your Excellency with regard to this statute does not indicate what difficulties may have been present in the mind of Lord Knutsford when he requested a statement of the grounds on which it was expected that the Act should be left to its operation.

The position seems equally clear that this statute is within the sphere of the Canadian Parliament as marked out by the British North America Act.

It is one of the "laws for the peace, order and good government of Canada," it is a statute affecting the "criminal law," and it is likewise a statute relating to the "constitution, maintenance and organization of a General Court of Appeal for Canada."

The extent of the powers conferred even by the authority to make "laws for the peace, order and good government of Canada" may be illustrated by a reference to the case of Riel *vs.* Regina (10 Appeal Cases, 675), in which the Lord Chancellor points out that these words: "are apt to authorize the utmost discretion of enactment. They are words under which the widest departure from criminal procedure,