reasons or other, in the Parliament, allowed by so many of Her Majesty's subjects as happen to be residents of the islands of Great Britain and Ireland. For this assumption, I expect to show before I conclude that there is no foundation whatever.

In the present controversy, the Colonial Secretary has referred to the 129th section of the Confederation Act, as shewing the paramount power of legislation and authority claimed by the Home Government and Parliament. The clause reads as follows:—

129. Except as otherwise provided by this Act, all laws in force in Canada, Nova Scotia, or New Brunswick, at the Union, and all Courts of civil and criminal jurisdiction, and all legal commissions, powers and authorities, and all officers, judicial, administrative and ministerial, existing therein at the Union, shall continue in Ontario, Quebec, Nova Scotia, and New Brunswick respectively, as if the Union had not been made; subject nevertheless (except with respect to such as are enacted by or exist under Acts of the Parliament of Great Britain or of the Parliament of the United Kingdom of Great Britain and Ireland), to be repealed, abolished, or altered by the Parliament of Canada, or by the Legislature of the respective Province, according to the authority of the Parliament or of that Legislature under this Act.

The Colonial Secretary appealed to this exception; it was well answered by Sir John Thompson, "if the view taken by his lordship is correct," Sir John Thompson points out to the Governor-General, "it will be impossible for the Parliament of Canada to legislate in respect to any one of the twenty-one subjects which constitute the 'area' of the Canadian Parliament." There undoubtedly did exist Imperial Legislation in respect to all these subjects in the colonies. Any lawyer construing this document, whether as a declaration of rights or as a grant of power, must agree that Sir John Thompson's objection was well taken. Nearly every great English statute, affecting private rights, has been amended by subsequent colonial legislation. The amendment affecting private rights, the statute of frauds, the wills act, acts respecting trustees and bankruptcy, descent and limitation, would all be void if we admit the contention of the Colonial Secretary as to the construction of clause 129, and the other clauses. There may be possible some class of legislation to which the section might properly be applied, for instance, affecting the acts vesting the commands of the army in Her Majesty's mutiny act, etc., or acts regarding the position of Ambassador. So far as it would not include the twenty-one subjects exclusively handed over to the Dominion Parliament, or those exclusively handed over to the local Parliament, the short way of regarding the matter is to construe the exception in that case as repugnant and inoperative.

No doubt there are many *dicta* even of our Courts to be cited in favor of the customary assumption, even since the Confederation Act, of a persistent, original supremacy in the Home Parliament. Thus, in Regina v. Taylor, 36, U.C.R. 215, C. J. Wilson seems to have assumed it: "The Dominion Government possesses the general sovereignty of the country, subordinate, of course, to the Imperial Parliament." The Chief Justice, in Appeal, inclined to the opinion that the Confederation Act had *conferred* exclusive legislative authority on the Govern-