and directions given as to procedure before and at trial, and on giving judgment.

I do not, of course, put forward this legislation as in itself in any way determining, or even as confirmatory of, the right of the Dominion Parliament so to legislate; for it is too clear that if they do not possess the legislative power, neither the exercise nor the continued exercise of a power not belonging to them could confer it, or make their legislation binding. But I put forward these acts as illustrative of the powerlessness, or perhaps I should rather say helplessness, of the Dominion Parliament if they have not the right to legislate without control in the most full and ample manner over all matters specially or generally confided to them by the Imperial Parliament, and over which all must admit they have sole control, without being met by so effectual an obstruction in giving effect to such legislation as by closing the Queen's Courts against the administration of laws so enacted by and under the authority of the Parliament of Great Britain, by virtue of which the Dominion and Provincial constitutions now exist, and also as illustrative of the utter want in the Dominion —if the Dominion Parliament does not possess it—of any legislative power to meet emergencies requiring legislative control in matters so unequivocally affecting the peace, good order and government of Canada, so clearly taken from Provincial Assemblies and confided to the Parliament and Government of Canada.

But I have had no great difficulty in arriving at the conclusion that this Act substantially establishes, as the Act of 1873 did, as respects elections, a Dominion Court, though it utilizes for that purpose Provincial Courts and their Judges. In considering the British North America Act in the view just presented, as also the Dominion Act on the point to be now discussed, the following extract from the judgment of Turner, L. J., in *Hawkins* v. *Gathercole*, 31 L. and Eq., 312, may not be inapplicable here. He says:—

"But in construing Acts of Parliament the words which are used are not alone to be regarded. Regard must also be had to the intent and meaning of the Legislature. The rule on this subject is well expressed in the case of *Stradling* v. *Morgan* in Plowden's reports, in which case it is said at page 204:—'The Judges of the law in all times past have so far pursued the intent of the makers of statutes that they have expounded Acts which were general in words to be but particular where the intent was particular.' And after referring to several cases, the report contains the following remarkable passage at page 205:—'From which cases it appears that the sages of the law heretofore have construed statutes quite contrary to the letter in some appearance, and those statutes which comprehend all things in the letter they have expounded to extend but to some things, and those which generally prohibit all people from doing such an act, they have interpreted to permit some people to do it, and those which include every person in the letter, they have adjudged to reach to some persons only, which expositions have always been founded upon the intent of the Legislature, which they have collected sometimes by comparing one part of the Act with another, and sometimes by foreign circumstances, so that they have ever been guided by the intent of the Legislature, which they have always taken according to the necessity of the matter, and according to that which is consonant to reason and good discretion.' The same doctrine is to be found in *Eyeston* v. *Studd*, same reports, p. 465, and the note appended to it, and many other cases. The passages to which I have referred I have selected as containing the best summary with which I am acquainted of the law upon this subject."

In determining the question before us, we have, therefore, to consider, not merely the words of the Act of Parliament, but the intent of the Legislature, to be collected from the cause and necessity of the Act being made, from a comparison of its several parts, and from foreign meaning and extraneous circumstances, so far as they can justly be considered to throw light upon the subject in seeking to discover the intention of the Dominion Parliament. If Parliament had no power to add to the jurisdiction of a Provincial Court, or in any way interfere with its procedure, one is struck at the outset with the strong, if not irresistible inference that this raises, that the intention of Parliament must have been to establish an independent tribunal of the nature of a Dominion Court, and not to add to the jurisdiction or affect the procedure of Provincial Courts, because it must, I think, be assumed that Parliament in-