would settle the question. I therefore think it clear that the intention was to have no reserved powers; that there should be in Canada the same kind of legislative power as there was in the British Parliament, so far as that was consistent with the Confederation of the Provinces and our position as a dependency of the Empire; and that, as in the United Kingdom no court, judge, or other power has the right to resist or control the will of Parliament, so all that courts in Canada have a right to do is to decide between the two Legislatures as to which of them has the power, and not to deny it to both. And when we look at the sections dividing the legislative power (the 91st and 92nd sections), I think this is put beyond doubt" (*c*). And so likewise in the argument in *Hodge* v. *The Queen* before the Privy Council (*d*), Mr. Jeune, who was one of the counsel engaged in the case, observed that he had always understood the preamble to the British North America Act, where it speaks of the Dominion having a constitution similar in principle to that of the United Kingdom, as referring to this feature, that the Dominion has every legislative power not expressly given to the Provinces. And in one of the latest works on Canada (*e*), we read: "The Federalists of the United States, in breaking away from the sovereignty of England, were compelled to create in some of its main aspects an instrument of government deferring always to the will of the people, who were the depository of supreme power. In Canada, all power is supposed to descend down from the Crown."

It would seem, then, that the dictum of Henry, J., in *City of Fredericton* v. *The Queen* (1880), (*f*), must be regarded as clearly overborne by authority where he says: "It is contended that, inasmuch as the Local Legislatures could not provide as is done by this Act, Parliament necessarily must have the power it exercised. The proposition, as a general one, must be admitted: but there may be, and, I think, there are, exceptions, and that this" (referring to the Canada Temperance Act, 1878) "may fairly be considered one of them," though the same learned judge speaks again in a similar manner in *Attorney-General* v. *Mercer* (1881), (*g*), and in the *Queddy River Driving Boom Co.* v. *Davidson* (1883), (*h*). But the view that, subject to the necessary limitations already alluded to, there are any exceptions to the residuary power of the Dominion Parliament is clearly opposed to the weight of the authorities already referred to, and to the learned judge's own dictum in *Valin* v. *Langlois* (1879), above quoted (*i*). Ritchie, C.J., puts the matter very clearly in *City of Fredericton* v. *The Queen* (1880), (*j*), saying: "With us, the Government of the Provinces is one of enumerated powers which are specified in the British North America Act, and in this respect differs from the constitution of the Dominion Parliament, which, as has been stated, is

(*c*) And so per the same learned judge in *Ackman* v. *Town of Moncton* (1889), 24 N.B., at p. 114.
(*d*) Dom. Sess. Papers (1884), Vol. 17, No. 30, at p. 62.
(*e*) Greswell's History of Canada, p. 220.
(*f*) 3 S.C.R. at p. 546; 2 Cart. at p. 43.
(*g*) 5 S.C.R. at pp. 656-7; 3 Cart. at p. 43.
(*h*) 10 S.C.R. at p. 236; 3 Cart. at p. 258.
(*i*) 3 S.C.R. at p. 65; 1 Cart. at p. 201.
(*j*) 3 S.C.R. at p. 536; 2 Cart. at p. 35.