trative and judicial powers being specially kept on foot in the manner and subject to the provisions mentioned in section 129)—and at the very same moment, and by the very act of admission which extinguishes the previous legislative powers, it acquires, under the authority of the British North America Act alone, a new charter as it were of legislative capacity, as to topics regulated, in the main, by sections 92, 93. And every topic and power of legislation which is not, on the whole Act, exclusively vested in the Provincial Legislature, is by section 91 swept within the sole jurisdiction of the Parliament of Canada. Chief Justice Harrison lays this down very clearly in Leprohon's case (40 Upper Canada, page 488) and points out that our constitution is in this respect the converse of the United States. And Spragge, Chanc., (same case on appeal, 2 Ontario, appendix 522) says: "The Province has only the "powers specifically conferred on it; the Dominion has all not specifically "conferred on the local legislatures." And Savary, County Court Judge, Nova Scotia, in a vigorous judgment cited approvingly by Doutre (constitut. of Canada, page 56) says: "All which is not expressly or by "necessary implication conferred on the local government and legislature resides in the Dominion." To which I would add, that any matter, to fall within the legislative capacity of the local legislature, must be given to it not only "expressly," or "specifically" or by "necessary implication" but exclusively; and not by this section or by that, but exclusively, on a comparison of the whole Act. So that if there be any conflict or concurrence of gifts, then inasmuch as the gift (so far as it is concurrent) is not exclusively to the Province, it falls, according to section 91, exclusively to the Dominion.

The next fundamental error I shall notice, which occupied a large part of the argument in support of the widest view of the legislative authority of the Province, was where the Attorney-General endeavored to support it upon the supposed difference between the local legislature in a dependency originally acquired by settlement, and a dependency acquired by treaty, or by settlement. And it was said that a dependency acquired by settlement had much larger legislative powers, or more indelable powers, than a dependency acquired by either of the two latter titles; and that British Columbia fell strictly within the first category. I think myself that (if it made any difference) it is arguable that British Columbia and Vancouver Island were not acquired wholly by settlement, apart from treaty; that the treaty of 1846 had a good deal to do both with the foundation of the original colony of Vancouver Island (1846), and of the original colony of the Mainland (1858), afterwards united as the Colony of British Columbia (1866), which now exists as a province of the Dominion (1871). And the absolute power of legislation placed by the Royal Authority in the hands of Governor Douglas for the first five years of the existence of the Colony (which the Attorney-General much pressed on our attention) looks very much as if British Columbia were treated at that time entirely as a colony by cession, according to Blackstone's view. (1 Stephen Blackstone, 99). But into this question it seems quite useless to enter; neither do I enquire whether the Attorney-General's proposition is anywhere true. It seems to be too clear for argument that whatever the nature or derivation of the local legislatures previously and up to the 20th July, 1871, those local legislatures became, as has been said, completely extinct on the admission of British Columbia into the Dominion, and that all the present provincial legislatures now have pre-