of their territories, he cited Story on the Cons., sec. 171; *Phillips* v. *Eyre*, L. R. 6 Q.B. 20, per Willes, J.; *Reg.* v. *Burah*, L.R. 3 App. 889, per Lord Selborne. He then proceeded to consider the position of the Provinces of the Dominion of Canada, and the applicability of the statute and common law of England to these Provinces, taking as his text the rules reported by the M. R. on Aug. 9, 1722 (2 Peere Williams, 75), as having been determined by the Privy Council on appeal from the foreign plantations, viz.:

(1.) That if there be a new and uninhabited country found out by English subjects, as the law is the birthright of every subject, so wherever they go they carry their laws with them, and therefore such new found country is to be governed by the laws of England; though after such country is inhabited by the English, Acts of Parliament made in England without naming the foreign plantations will not bind them.

(2.) Where the King of England *conquers* a country, there the conqueror, by saving the lives of the people conquered, gains a right and property in such people; in consequence of which he may impose upon them what laws he pleases.

(3.) Until such laws be given by the conquering prince, the laws and customs of the conquered country shall hold place, unless where these are contrary to our religion, or enact anything that is *malum in se*, or are silent, for in all such cases the laws of the conquering country shall prevail.

These propositions, Mr. Hodgins remarked, have been modified by the judgment of Lord Mansfield, C. J., in *Chapman* v. *Hall*, Cowp. Rep. 204, in which the principle of constitutional law was affirmed that after a proclamation providing for a legislative assembly in a conquered colony, the king's prerogative power of legislation was irrevocably gone. He then proceeded to point out that under the British system of constitutional government, when the name of the sovereign is mentioned it means the sovereign acting by and with the advice of his responsible ministers; and that similar constitutional rules apply to the Governor-General of the Dominion, and to the Lieutenant-Governors of the Provinces, as asserted by Mr. E. Blake and by Sir J. A. Macdonald, Canadian Ministers, in 1877 and 1879 respectively (S. P. Can. No. 89, 1877, p. 452; S. P. Imp. 1878-9, Can. p. 109); but at the same time he drew attention to a despatch of the Colonial Secretary in 1838, which pointed out that a colonial governor is an Imperial officer who derives his instructions from England (Mill's Col. Cons. 28). Perhaps we may be also permitted to refer here to 16 C. L. J. p. 317, seq.

The lecturer then entered upon a very interesting and detailed discussion as to whether it is or is not correct to say that, even where, under the modern colonial system, parliamentary government has been granted to the colonies, the Imperial Parliament still retains its "paramount authority" over such colonies in matters of legislation. Among assertors of the affirmative of this proposition he cites Clark (Colonial Law, p. 10), and Forsyth (Constit. Law, p. 21); Blackburne, J., in *Reg.* v. *Eyre*, in 1868, and Willes, J., in *Phillips* v. *Eyre*, *supra*, and we might add to those mentioned by Mr. Hodgins, the authority of Mr. Alpheus Todd (Parl. Govt. in British Colonies, p. 189). On the other hand, Mr. Hodgins cited the words of Lord Chancellor Hatherley, in 1870, in moving the second reading of the Naturalization Bill (now 33 Vict. c. 14, Imp.), in the House of Lords, viz., "The clause contains a proviso that it shall not confer any right to hold property situated out of the United Kingdom, for *we cannot govern the colonies having legislatures of their own*," (199 Hans. 1126) and to show that it is legitimate to cite this speech as a judicial authority, Mr. Hodgins quotes the opinions of the Lords Justices in *Reg.* v. *Bishop of Oxford*, L. R. 4. Q. B. D. 525. Mr. Hodgins then proceeded to reason this question out to its logi-