annexing penalties thereto. Their Lordships held that they had that power. It was argued then, as it has been argued to-day, that the local legislature is in the nature of an agent or delegate, and on the principle *delegatus non potest delegare*, the local Legislature must exercise all its functions itself, and can delegate or instruct none of them to other persons or parties.

"But the judgment, after reciting that such had been the contention, goes on to say: It appears to their Lordships, however, that the objection thus raised by the appellants is founded on an entire misconception of the true character and position of the provincial Legislature.

"They are in no sense delegates of, or acting under any mandate from, the Imperial Parliament. When the British North America Act enacted that there should be a Legislature for Ontario, and that its Legislative Assembly should have exclusive authority to make laws for the province and for provincial purposes in relation to the matters enumerated in section 92, it conferred powers, not in any sense to be exercised by delegation from, or as agents of, the Imperial Parliament, but authority as plenary, as ample, within the limits prescribed by section 92, as the Imperial Parliament in the plenitude of its power possessed or could bestow, within these limits of subjects and areas the local Legislature is supreme, and has the same authority as the Imperial Parliament."

38. The case of Riel *v.* the Queen, decided by the same tribunal in the same year, is likewise pertinent. There had been three Imperial statutes for the regulation of the trial of offences in Rupert's Land, since known as the North-West Territories of Canada.

39. The statutes of Canada made other provisions inconsistent with these statutes, and the conviction of the prisoner had taken place under the statutes of Canada. The Lords of the Judicial Committee declined to admit an appeal, entertaining no doubt as to the correctness of the conviction.

40. The opinion of Lord Carnarvon seems to have been based on a strict view taken of the Imperial statute known as "the validity of Colonial Laws Act" (28 & 29 Vic. c. 63), which declared that Colonial statutes should be void and inoperative if they should be repugnant to the provisions of any Act of Parliament extending to the Colonies, or repugnant to the provisions of any order or regulation made under the authority of such Act, and having in such Colony the force and effect of such Act.

41. There may be ground for argument that as the British North America Act was passed subsequently to this statute, it confers a constitution more liberal than those to which the statute applied.

42. Another view which may be urged is, that the repugnancy, in order to have the effect indicated, must exist in relation to some statute passed after the creation of the Legislature of a Colony. The statute does not seem, certainly, to have been construed by the judicial decision, in the manner indicated by Lord Carnarvon.

43. If the view which his Lordship takes is correct, it will be impossible for the Parliament of Canada to make laws in regard to any one of the 21 subjects which constitute the "area" of the Canadian Parliament (to adopt the phrase used in the decision of Hodge *v.* the Queen in relation to the Ontario Legislature) when such legislation is repugnant to any legislation which existed previously, applicable to these subjects, in the Colonies.

44. There undoubtedly did exist Imperial legislation as regards all those subjects in the Colonies, at a time long anterior to the gift of representative institutions, and it was never supposed to be necessary that Canada, or the provinces now constituting Canada before the Union, should obtain the repeal of that legislation by the Imperial Parliament before they proceeded to adopt such measures as became necessary from time to time in the government of the country.

45. It is respectfully submitted that, in respect to all these subjects, the Parliament of Canada must be considered to have the plenary powers of the Imperial Government (to quote the words of the Judicial Committee) subject only to such control as the Imperial Parliament may exercise from time to time, and subject also to Her Majesty's right of disallowance, which the British North America Act reserves to Her, and which, no one doubts, will always be exercised with full regard to constitutional principles and in the best interests of the Empire, when exercised at all.

46. For these reasons the undersigned respectfully recommends that Her Majesty's Government be moved to permit the Copyright Act of last Session to go into operation, subject to a date being hereafter agreed upon by Her Majesty's Government for bringing it into force.