

is made on page 110 to sub-s. 7 of 91 of the R.N.A. Act," "militia, military and naval service and defence" and to the case of *Holmes v. Temple*: "The matters covered by this sub-section are the most important concerning which the Imperial authorities continue to exercise control over colonial legislation. It has been held (*Holmes v. Temple*) that the Dominion Parliament has exclusive jurisdiction over the matters covered by this sub-section, but the learned judge who decided this case did not hold as Mr. Clements states he apparently did, 'that the Imperial Parliament is deprived of jurisdiction to legislate respecting the militia and the navy.' It is submitted that this exclusive jurisdiction exists as against the Provincial Legislatures and not as against the Imperial Parliament and the judgment of Chauveau, J., is easily capable of this interpretation."

Assuming, therefore, that it is well established that this Act, while primarily dealing with the constitution and government of the British army, is applicable to the colonies, then there is much of it which is not limited to those serving under that Act. In many of the sections punishments are provided for either officers or persons who are subject to military law, but in many other parts of the Act it will be found that the offences mentioned are such as would be committed by persons not subject to military law. Examples of this may be found in sec. 98 dealing with enlistment; Sec. 109 dealing with billeting; secs. 116, 117 dealing with impressment of carriages; sec. 152 dealing with pretending to be a deserter; sec. 153 dealing with procuring soldiers to desert; and sec. 155 dealing with trafficking in commissions.

Applying the ordinary canons of construction, those who offend against the Act, whether officers or soldiers, or persons not subject to military law, become liable to the penalties laid down in the statute. Words of limitation are not to be read into the statute if it can be avoided: *Reg. v. Liverpool Justices*, 11 Q.B.D. 649; *Duke of Newcastle v. Norris*, L.R. 4 H.L. 661.

From the above considerations it would appear that the decision by the learned judge in the case of *Holmes v. Temple* cannot be maintained. If the Imperial Army Act is in force in Canada, and if it has created offences which are not mere military offences, nor offences by persons described as subject to military law, then it governs every inhabitant of Canada just as well as every inhabitant