

of this Act, an Assembly and Legislative Council were created with power "to make Laws for the Peace, Welfare, and good Government thereof, such Laws not being repugnant to this Act." Clause 30 empowered the Governor, at his discretion, to assent to, disallow, or reserve Bills passed by the Assembly. Clause 31 provided that copies of all Colonial statutes should be sent to the Secretary of State when they might still be disallowed by the Home Government within two years. And finally, by clause 42, it was laid down that acts which in any way affected the Clergy Reserves, Religion, religious dues, the discipline of the Church of England, or the Royal Prerogative in the granting of lands, must be laid before both Houses of Parliament before the Royal Assent could be given. It is then in the light of such statutory provisions that one must read the documents relating to the reservation and disallowance of statutes.

The relation of court decisions and legal opinions to legislation is another subject illustrated here. The opinions of the Law Officers of the Crown upon such questions have been freely drawn upon. To cite an example one may take the Upper Canada Naturalization Act. The opinion of the Law Officers on Bidwell's case (pp. 234-235) is found to be based upon a decision given in the Court of King's Bench, *Thomas vs. Acklam*. It was there decided that "a person in the situation of Mr. Bidwell is not a natural born Subject of His Majesty but an alien and that the Son of such a person born in the United States after the Treaty of 1783 is also an alien." Following upon this is the dispatch from Bathurst to Maitland, 22 July, 1825, declaring that in the light of such a decision, the rights of subjects should be conferred upon aliens by legislative provision.

During the period under consideration no change was made in the commission and instructions to the Governors. One interesting document of this type, however, is the commission of W. B. Felton as Commissioner of Crown Lands (printed at page 346). Dispatches and inter-departmental communications on constitutional matters are numerous. Among other things these reveal the part played by the Treasury and Customs in the administration of the colony. The documents dealing with the financial struggle in Lower Canada bring out the dependence upon the Treasury and in this connection it is well to revert to the Instructions of 1791, printed in an earlier volume, in which it is laid down:—

"That in all Laws or Ordinances for levying Money or imposing Fines, Forfeitures or Penalties, express mention be made that the same is granted or reserved to Us, Our Heirs and Successors for the Public uses of the said Province, and the Support of the Government thereof, as by the said Law shall be directed, and that a Clause be inserted declaring that the due Application of such Money pursuant to the Directions of such Law shall be accounted for unto Us through our commissioners of Our Treasury for the time being in such manner and form as we shall direct." (*Doughty and McArthur, p. 17.*)

Coming to the documents illustrative of legislative opinion one finds the Report of the Canada Committee of 1828. This has always elicited great interest and will be found, printed in full at page 466. Addresses and resolutions of the Assemblies upon such questions as clergy reserves, aliens, and supply, are numerous and will be found to show the progressive growth of public opinion upon these vital questions.