

convictions, the penalty for each of which is \$80. Out of this twenty, fifteen of them are for breaches which come within the provisions of the Criminal Law as enacted by the Dominion Parliament, the half of the penalty of which is payable to the Receiver General. It has occurred to me that the Bill No. 135, above referred to, has been enacted so as to found an argument before the High Court that the said Act gives the Court power to relieve against penalties of which the Dominion Government are entitled to one-half. If such be the case, the Ontario Legislature is seeking to legislate the Dominion Government out of a source of its revenue. It occurs to me that this is *ultra vires* of the Local House, and I call your attention to the fact with the view of your considering the question as to whether the provision should not be disallowed by your Government."

This communication having been transmitted to the Lieutenant Governor of Ontario, he, by despatch dated 7th May, 1886, communicated to the Secretary of State the views of his advisers in the terms following:—

"Adverting to your despatch of the 8th ultimo (No. 3859 on 9096), enclosing a copy of a communication received from Mr. Warren Totten, of the Town of Woodstock, calling attention to section 59, subsection b, of Bill No. 135, introduced by the Honorable the Attorney General, and passed at the recent Session of the Ontario Legislature, I have the honor to state that I have been advised that the enactment to which Mr. Totten objects is section 6 of Chapter 16, of 49 Victoria, "for further improving the law," as passed;—that like all other provincial enactments this provision necessarily applies only to matters within the jurisdiction of a Provincial Legislature and Government, nor was it intended to have any operation in regard to any others; that the Commissioners now engaged in revising the Statutes of this Province, seven of whom are Judges, have, in consolidating, decided on striking these words out wherever they occur, the same being unnecessary, and therefore, in their opinion, not proper to be retained."

The undersigned, not without some doubt as to the provision referred to, believes it to be paragraph (b) of section 38 of 49 Victoria, Chapter 16, which is as follows:—

"(Subject to appeal as in other cases) the High Court shall have power to relieve against all penalties, forfeitures and agreements for liquidated damages, and in granting such relief to impose such terms as to costs, expenses, damages, compensation and all other matters as the Court thinks fit. The County Courts and Division Courts shall have like power (subject to appeal) in regard to causes of action within their jurisdiction."

The undersigned concurs in the view that this provision applies only to matters within the jurisdiction of the Provincial Legislature, and for that reason sees no objection to the Act being left to its operation.

Having carefully considered the other Acts referred to, the undersigned is of opinion that they should be left to their operation, and respectfully recommends that the Lieutenant Governor of Ontario be informed that it is not Your Excellency's intention to exercise the power of disallowance in respect of any of the Acts passed by the Legislature of the Province of Ontario in the Session held in the year 1886.

(Signed) JNO. S. D. THOMPSON,

Minister of Justice.

SCHEDULE OF TITLES OF ACTS PASSED BY THE LEGISLATURE OF THE PROVINCE OF ONTARIO, IN THE SESSION HELD IN THE YEAR 1886.

Cap. 1. An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and eighty-six, and for other purposes therein mentioned.

Cap. 2. An Act amending the Act respecting the provisional County of Haliburton.