

will also have a right to claim, and that the fund for their purposes will be tied up in the hands of the present Board.

The "Temporalities' Act" was passed after the Union Act, but during the same Session, and section 9 reads as follows:—

9. All provisions contained in any previous Act or amendment inconsistent with the provisions of this Act, relating to the said Board for the management of the Temporalities' Fund, are hereby repealed.

QUESTIONS FOR COUNSEL.

Do the two Acts contradict each other upon the point indicated, and, if so, can the Temporalities' Act be carried out in the way provided by sections 1 and 2?

Are any inconsistent clauses in the "Union Act" repealed by the "Temporalities' Act" passed subsequently to it, or by virtue of the Repealing clause being section 9 of the "Temporalities' Act"?

Is there anything to prevent the "Temporalities' Act" from being carried into operation when the Union takes place, probably in June next?

Do you find any legal obstacles in the way of carrying out the Union in conformity with the "Union Act"?

JAMES CROIL,
Church Agent.

Montreal, 13th April, 1875.

OPINIONS.

It is a well recognized Rule of Parliamentary law, that an Act of Parliament cannot be altered or repealed in the same Session of Parliament in which it was passed, unless there be a clause inserted expressly reserving a power to do so, and this rule has, I understand, been always observed by our Provincial Legislature. As no such reserve is to be found in The Union Act, I am of opinion that the 9th clause of The Temporalities' Act, although passed subsequently (but during the same Session) had not the effect of repealing any of the provisions of The Union Act.

It is quite clear, however, that the two Acts must be read together, and in construing, therefore, the true meaning of the 11th clause of The Union Act, it is fitting that we should refer to the provisions of The Temporalities' Act. Now, in doing so, it is obvious that if we attach to the expression "even if" in said 11th clause, its literal meaning, we shall entirely defeat the main object and intent the Legislature had in view in passing the other Act; and if, on the contrary, we so vary the natural and common import of these words as to make them read as the word "if" alone (regarding the expression "even" as introduced merely to emphasize or strengthen the expression "if"), we harmonize the provisions generally of both Acts, instead of defeating the entire object of one of them.

I am of opinion, under the circumstances, that we are justified in departing from the obvious meaning of the words "even if" in the clause in question, and in construing their true meaning to be what would be conveyed by the word "if" alone, without the prefix "even."

On the whole, I am of opinion, that there is nothing to prevent The Temporalities' Act being carried into operation when the Union takes place in June next.

Montreal, 16th April, 1875.

STRACHAN BETHUNE.