

given in their favour by the Court of Common Pleas, on the ground that the Local Government had no right to grant a license to cut timber on property that did not belong to it. The case was carried to the Court of Appeal, but, while pending, the Local Legislature, under the direction of the late Sandfield Macdonald, and at the instigation of McLaren, passed an Act, one of the sections of which reads as follows :

"Every Government road allowance included in any timber license heretofore granted shall be deemed to be and to have been ungranted lands."

Here was property that belonged to a municipality leased by the Government to a private individual, and, while the case was pending before the Courts, the Legislature passes an Act transferring the property from the municipalities, to which it was held by the Courts to belong, to this same Peter McLaren. The second section provided :

"The licensee shall be deemed to have and to have had all rights in the trees, timber, lumber thereon, or cut thereon, as if the same were cut on any patented land of the Crown."

That was an Act which was retrospective in its operation, which directly interfered with private rights, which took property from one person and vested it in another without compensation, and which overruled the laws of the land, the rights of private parties, and the judgment of the Court. The Corporation of the County of Frontenac petitioned against the Act, but Sir John Macdonald allowed it with all its objectionable features. In his memorandum to Council on this Bill he said :

"As it is clearly within the competence of the Local Legislature, the undersigned recommends that it be left to its operation."

THE NEW BRUNSWICK SCHOOL BILL.

Again, by an Act passed by the Legislature of New Brunswick in 1871, the Roman Catholic population of that Province felt that their rights were encroached upon by being required to contribute for the maintenance of a system of education in regard to which they had conscientious scruples. Looking at the matter purely from a constitutional stand-point, Sir John Macdonald said on the 20th January, 1872:

"The Provincial Legislatures have exclusive powers to make laws in relation to education. . . . It may be that the Act in question may act unfavorably on the Catholics or on other religious denominations, and if so, it is for such religious bodies to appeal to the Provincial Legislature, which has the sole power to grant redress. . . ."

"The sole matter which presented itself to the Government was whether, according to the British North America Act of 1867, the Legislature of New Brunswick had exceeded its powers. As the officer primarily responsible on such subjects, he could only say that he had taken uniform care to interfere in no way whatever with any Act passed by any of the Provincial Legislatures if they were within the scope of their jurisdiction. There were only two cases, in his opinion, in which the Government of the Dominion was justified in advising the disallowance of local Acts. First, if the Act was unconstitutional, and there had been an excess of jurisdiction; and, second, if it was injurious to the interests of the whole Dominion.

"In the case of measures not coming within either of these categories, the Government would be unwarranted in interfering with local legislation