

breach of fair dealing. For judicial purposes, it is submitted, we are bound to assume that the licensees understood this situation, and therefore accepted their licenses in view of the possibility that those licenses might at any time be either cancelled entirely or fenced about with restrictions which would diminish the value of their rights, their only resource in that event being an appeal to "the infallible justice of the Crown." (See *Craig v. Templeton*, 8 Gr. 483).

In approaching the constitutional aspects of the case we think it desirable at the outset to clear away a misconception which we suspect, tends with many persons to obscure the real nature of the situation, and may have even procured the petitioners a certain amount of sympathy. It does not follow that, because their claim is rejected partly on the ground that the Provincial Parliament has been acting within its constitutional powers in imposing the manufacturing condition," they should be looked upon as persons who have suffered an essential wrong from which they would otherwise have been secure. It is not and cannot be denied that the power to secure by appropriate means the same ultimate results as those aimed at by the "manufacturing condition," resides in some one of the Canadian law-making bodies. Anyone, whether he be a citizen or an alien, who engages in the business of lumbering within the Dominion invests his capital upon the understanding that the power may possibly be exercised. Persons in the position of the petitioners have of course a perfect right to demand the determination of the question whether a measure like the one under discussion is properly or improperly enacted by the Provincial Parliament. But it is clear that, if their privileges were at any time liable to be curtailed by the passage of such a measure, their appeal to constitutional doctrines is, if we consider the purpose for which those doctrines are invoked, nothing better than an attempt to take advantage of a mere technicality, and that their claim for redress is wholly without merit, in so far as may be supposed to depend upon the ground that they have been subjected to burdens greater than those which they could have been expected to take into their calculations when they received their licenses.

The argument that the "Manufacturing Condition" is virtually equivalent to a prohibition against the export of a certain article, and therefore invalid as being an invasion of the legislative