

first ground it must be said that interference with private rights was never set up before by the Government as a reason for disallowance. By the British North America Act, "property and civil rights" are exclusively within the jurisdiction of the Local Legislature, and it was never pretended that such an interference was any ground for disallowing a Provincial Act. Speaking on the subject of provincial rights, Mr. Todd, in his valuable work on "Parliamentary Government in the Colonies," says :

"It was the intention of the Imperial Government (in passing the British North America Act) to guard from invasion all rights and powers exclusively conferred upon the provincial authorities, and to provide that the reserved right of interference therewith by the Dominion Executive or Parliament should not be exercised in the interest of any political party, or so as to impair the principle of local self-government."

Besides, during the last fifteen years, scores of Bills were passed interfering with private rights, none of which were disallowed. A few of these may be mentioned.

A QUEBEC ACT WHICH INTERFERED WITH PRIVATE RIGHTS.

A Bill passed by the Legislature of Quebec respecting the Union St. Jacques Society, Montreal, provided for the enforced commutation of the existing rights of two widow ladies, who, at the time it was passed, were annuitants of the society, and compelled them to take such a sum in lieu of their annuity as was, in the opinion of the Local Legislature, just. This Bill was sanctioned by Sir John Macdonald, notwithstanding its interference with private rights.

AN ONTARIO ACT WHICH INTERFERED WITH PRIVATE RIGHTS.

The Hon. George Goodhue, by his will, provided that his property should be divided in a particular way. Trustees were appointed to carry out the conditions and trusts of the will. The children were dissatisfied with the will, and by an agreement between themselves made other disposition of the estate ; in fact, made a new will for Mr. Goodhue. They applied to the Local Legislature for an Act to confirm such disposition. The Bill was protested against, as an extraordinary and unexampled interference with private rights, by one of the trustees on the ground that it was retrospective, that it created a new will, that it took the property out of the hands of one class of persons and gave it to another, and that it dealt with the property of minors outside the Dominion of Canada. The Local Legislature passed the Bill. The Lieutenant-Governor sanctioned it, but seemed to invite its disallowance by the Dominion Government, speaking of it in his despatch "as very objectionable, and forming a dangerous precedent." The trustees petitioned the Dominion Government to disallow it, but Sir John Macdonald, to whom, as Minister of Justice, the Bill was referred, reported that, "as it is within the competence of the Provincial Legislature," it should be left to its operation.

THE ONTARIO ACT THAT INTERFERED WITH MUNICIPAL RIGHTS AND PROPERTY.

Acting under the authority of a timber license received from the Government of the late Sandfield Macdonald, the same Peter McLaren whose case is now under consideration proceeded to cut down timber on the road allowances in his limit. An action was begun against him by the municipal corporations interested, on the ground that the road allowances were their private property. Judgment was