the Consolidated Fund of old Canada, have to be ascertained and considered in construing the Union Act of 1867. We must determine the effect and meaning of the provisions of the Act of July, 1867, by ascertaining the legal and constitutional position of the subject matter immediately before the passing of that Act. It is to be observed, in the first place, that the new legislative authority for the Dominion is declared to be a "Parliament"—it was only a "Legislative Council and Assembly" before—and the "Queen" is *eo nomine* declared to be a part of that Parliament. It "consists" of the Queen, the Senate and the House of Commons. But she is not a part of any other corporation or legislative body under that Act. The great powers of government are given to the Parliament of Canada, and only limited, enumerated and definite powers of legislation, on local and municipal subjects, are given to the Local Assemblies. By sec. 102, "all duties and *revenues*" over which the previous Provincial Legislatures had power of appropriation (except what is otherwise disposed of by the Act) are to constitute a Consolidated Fund for the public service of Canada. Now, I cannot understand the reasoning of the learned judges who say that by the word "land," in the 109th section, the absolute estate and prerogative right of the Crown—always theretofore reserved—in the waste lands of the Crown have been granted to and vested in the Provincial Legislatures. It is clear, from the qualifying expression "belonging" to the provinces "at the Union," that nothing more was intended to be given to the new, than had already been given to the old, provinces. Therefore, we come back to the proposition I have endeavoured to establish, viz, that under the Union Act of 1840 the Queen's prerogative right remained intact, and that neither the 109th nor any other section of the Act of 1867 has infringed upon or divested it. If we look at the 92nd section, which enumerates and limits the legislative powers of the province, we find these significant words: "The *management* and *sale* of the public lands *belonging to the Province*, and of the *timber* and *wood* theron." If it had been intended to extinguish the estate or title of the Crown, and to vest in the Legislature the absolute dominion over, and fee simple in the public lands, why specify "the timber and wood thereon?" In this grant of legislative power every word suggests agency, trusteeship, and limitation; not absolute ownership or undivided authority.

As this is a question of interpretation and intention, and as we sometimes derive great advantage from the light which is thrown upon doubtful words and phrases in Acts of Parliament—though I see nothing obscure or doubtful here—by ascertaining the views, opinions, and intentions of the framers of those Acts, and as the estate or title which "belonged" to the Province of Canada "at the Union" of 1867 is the estate or title which belongs to Ontario now with certain qualifications, I direct your lordships' attention on this point to the explanations of Lord John Russell, who introduced and carried through Parliament the Union Act of 1840. You will find the report in the *Mirror of Parliament* for 1840, vol. 4, pp. 3,722 and 3,725. Lord Stanley, who had previously held the office of Colonial Secretary, though at the time in opposition, approved generally of Lord John Russell's Union Bill. He held strong views as to the propriety of retaining the Crown lands under Imperial control, and he put the following query to Lord Russell:—