

The nature of the subject-matter of the license also raises an additional presumption in favor of the Crown. It would be wholly unjustifiable to impute to a legislative body or to executive officials a forgetfulness of the fact that circumstances may arise at some future time which will indicate that, in the interests of the State, the cutting of timber in particular localities should be partially or entirely prohibited for a longer or shorter period. Indeed it is notorious that persons whose judgment in such matters is of value have already been urging that a Forestry Law, of which it is clear that some such prohibition would constitute not the least important part, should be enacted without delay. Yet if we accept the argument of the petitioners in its entirety, the Crown has forever divested itself of the right of protecting the public by any provision of this character, so far as regards the timber limits covered by licenses similar to theirs. Even if, as Mr. Blake in his argument took care to point out, the whole course of legislation in this Province did not show unmistakably that the policy of the various law-making bodies has been to grant privileges in respect to timber lands on such a basis that "the executive should always have a free hand to deal with them when the season was over," we should still maintain that a theory which conducts us to such preposterous conclusions must be unsound.

Since then, it must, as we think, be conceded on general principles that this right of the Provincial Government to prohibit entirely the cutting of timber always remains in reserve, it cannot be presumed, in the absence of the clearest evidence, that it has ever contemplated the issue of any licenses which would curtail its liberty of action in this respect, or, to state the matter in a form which expresses the dilemma with greater technical correctness, would expose it to the imputation of bad faith if it put its undoubted plenary powers into operation. The applicability of this consideration to cases like the present is obvious. The greater includes the less. The inference is irresistible that, as the Provincial Government must be supposed to keep constantly in view the necessity for a complete resumption of control, it is impossible to argue that there can have been any intention to create a bar to such resumption which would have left the Province a most undesirable choice of alternatives, viz., the voting of an indemnity to persons deprived of their licenses, or the passing of a measure which, while within the legislative competence, would be a gross