(p. 355). This is, of course, an authority not to be despised, and if it had been given free from all bias by political considerations I should have considered it a very valuable opinion. But, without meaning to imply any sort of criticism as to the exercise of the discretion of the Federal Government in the disallowance of bills, I may say that we all know that the Federal Government is most unwilling to interfere in a too trenchant manner with local legislation, and where there is room for doubt as to the limits of the powers exercised, and where great popular interests are involved, they readily leave the question to the decision of the Courts. The report referred to by Mr. Todd, therefore, amounts to little more than this, that where part of an Act is evidently *ultra vires* and the rest not evidently so, the Federal Government will not interfere and disallow the bill. I have already said that the terms of section 92 of the B. N. A. Act do not alone decide as to the limit of the local legislative power. Those who drew the B. N. A. Act saw that, in spite of all precautions, it would be impossible so to define the exclusive powers as to avoid clashing. It was therefore enacted at the end of section 91, as a rule of interpretation, that "any matter coming within any of the classes of subjects enumerated in this section shall not be deemed to come within the class of matters of a local or private nature comprised in the enumeration of the classes of subjects by this Act assigned exclusively to the legislatures of the Provinces." This appears to me to be decisive in the present case, and I feel myself compelled to come to the conclusion that an Act which disposes of the property of a corporation created by a federal law is unconstitutional.

There is another way of considering the matter, which appears to me to bring forward this view still more clearly. If the Presbyterian body all over Canada wanted an Act of incorporation to enable them to manage their property, no local legislation would suffice. This brings me to still another consideration. The Ontario Act and the 62 cap. 38 Vic. (Quebec) are Acts of incorporation to all intents and purposes. It is true they do not, in so many words, declare certain persons to be a body corporate, but each gives to a certain organization corporate powers; each creates a fictitious person able to receive and hold by gift and devise. It will scarcely be pretended that these two Acts have created but one body corporate. They have evidently created two corporations, each of which deals with Presbyterians all over Canada. Now, let us apply the rule of *ultra vires* laid down in the minute of Council mentioned by Mr. Todd. It was there said the Act of Ontario was *ultra vires* in so far as it dealt with property in the Province of Quebec. Is it not by parity of reasoning also *ultra vires* in so far as it deals with civil rights outside the Province? If so, then cap. 62 is equally void so far. And what is the result? The Ontario Act not having been disallowed, exists so far as it can be applied within the local jurisdiction—that is, it has incorporated the Presbyterians in Ontario, under the name of "The Presbyterian Church in Canada." The Quebec statute has incorporated the Presbyterians of Quebec under the name of "The Presbyterian Church in Canada," "or any other name the said church may adopt," and it is in favour of this unnamed Corporation, and not in favour of the Ontario body, it has confiscated the property of "The Presbyterian Church of Canada in connection with the Church of Scotland." This mode of executive morselling would have the effect of producing a result which no Legislature contemplated. If a donor directs that £5 apiece be given to ten persons, it may logically be assumed that to give £1 apiece to each is partly to fulfil his directions; but to give the whole fifty pounds to one of the ten persons, is to contravene his directions. Therefore, to let a law stand, which is partly *ultra vires* and partly constitutional, may be the most perfect mode of defeating the legislative will. I therefore say that a law which is *ultra vires* in part may thereby be *ultra vires* in whole, and so it should be construed, at all events when it appears that the object of the Act is not attained by a partial execution. Take for instance an act of incorporation of a railway company from Quebec to Toronto. Could that be interpreted as an act of incorporation from Quebec to the Province Line? Unquestionably it could not be. But I shall be told "there is a special exception for that" (sect. 92, s. s. 10, *a*). The exception is not, however, more formal than the exception from incorporation by local Act of companies having other than provincial