

## DOMINION CONTROL OVER PROVINCIAL LEGISLATION.

thrown upon it by the petitions and representations before him.

With regard to the petition of the inhabitants of Montreal, he remarks: "Its representations do certainly deserve the greatest consideration at the hands of those entrusted with legislative powers in the matters to which they related. These matters, however important, are nevertheless essentially of a local character." (Can. Sess. Pap. 1877. No. 89. p. 264-5).

In reply, the Lieutenant-Governor of Quebec declared that Mr. Ryland had had ample time to present his objections to the legislation in question to the Quebec legislature,—denied he would suffer a pecuniary wrong,—submitted that the legislature of Quebec had not overstepped its constitutional limits, and declared that the legislature was disposed to do full justice to Mr. Ryland. In conclusion he says:—

"The essentially local character of the measure not being contested, and the facts represented by Mr. Ryland in support of his position being incorrect in their most important part, I would respectfully represent to His Excellency, that my Government could not, with a due regard to its own dignity, and to the respect it owes to the Legislature, propose the repeal of the law in question."—(*Ib.* p. 267.)

In a report on this despatch of the Lieutenant-Governor, Mr. Edward Blake submitted that it gave a different complexion to the case, and that "as between the assertions of a Provincial government and an interested individual, faith and credit must be given to the representations of the former,"—and in consideration of the assurances that the Quebec Government were prepared to accord full justice to Mr. Ryland, and of the local character of the act, recommended the act should be allowed, which report was duly acted on.—(*Ib.* p. 268.)

The constitutional right of interference, if it had been thought expedient, by the Governor-General in Council, seems implicitly asserted in this report, and scarcely appears to

be denied in the despatch of the Lieut.-Governor. But there are obvious distinctions between this case and an ordinary case of an individual complaining of injury to vested rights, inasmuch as the rights Mr. Ryland claimed to have respected had been conferred on him by the Imperial Government, in lieu of an office formerly held by him under the Crown in Canada.

The next precedents calling for notice appear to be those of the various Prince Edward Island Land Acts.

"For upwards of half a century," wrote the Lieut.-Governor of the Island in transmitting the reserved P.E. I. Purchase Act of 1874, for the consideration of the Governor-General, "the Land Question," so called, "has agitated the minds of the people of this Province, and repeated attempts have been from time to time made by the local legislature to get rid of the leasehold system prevalent here, and the aid of the Imperial Government has been frequently invoked for that purpose, by endeavoring to obtain its sanction to the establishment of a Court of Escheat, on the ground of the non-fulfilment by the grantees of the condition of their grants from the Crown, but to which Her Majesty's Government invariably refused to accede." (Can. Sess. papers, 1875, No. 61, p. 38.)

Certain parties interested petitioned the Secretary of State for the Colonies, that the royal assent might be withheld from this Land Purchase Act, of 1874. Whereupon the Colonial Secretary forwarded the petition to the Governor-General of Canada. In his report, dated December 23, 1874, the Minister of Justice, M. Fournier, now Judge of the Supreme Court, but then a member of Mr. Mackenzie's government, recommended the disallowance of this Act on grounds which clearly appear in the concluding paragraphs of his report (Can. Sess. papers, 1875, No. 61, p. 40.):—

"Several petitions are presented against the allowance of this Bill; some, as above stated, having been sent to the Secretary of State for the Colonies, and others directed to His Excellency. In transmitting one presented in