

"property and civil rights" are exclusively within the jurisdiction of the Local Legislature, and it was never pretended that such interference was any ground for disallowance. 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 QUEBEC ACT.

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.

#### GOODHUE WILL CASE.

The Hon. George Goodhue, by his will, devised a life estate in his property to his children, with a reversionary interest therein to his grandchildren, some of whom were minors and living out of the Dominion of Canada. Certain trustees were appointed to carry out the conditions and trusts of the will. The children were dissatisfied with the conditions and trusts created by 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 by the trustees on the ground that it was retrospective, that it created a new will, that it took property out of the hands of one class and vested it in another, and that it dealt with the property of minors outside the Dominion of Canada. The Local Legislature passed the Bill. It received the sanction of the Lieutenant Governor. 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 though strongly protested

against it should be left to its operation on the sole ground that it was within the competence of the Local Legislature."

#### TIMBER LICENSES.

Acting under the authority of a timber license received from the Government of the late Sandfield Macdonald, 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 given in their favor by the Court of Common Pleas on the ground that the Local Government had no right to grant a license to cut timber on property that did not belong to it. The case was carried to the Court of Appeal, but, while pending, the Local Legislature, under the direction of the late Sandfield Macdonald, and at the instigation of McLaren, passed an Act, one of the clauses of which reads as follows: "Every Government road allowance included in any timber license heretofore granted shall be deemed to be and to have been ungranted lands." Here was property that belonged to a municipality leased by the Government to a private individual, and, while the case was pending before the Courts, the Legislature passes an Act transferring the property from the municipalities to which it was held by the Courts to belong to this same Peter McLaren. The second clause provided:

"The licensee shall be deemed to have and to have had all rights in the trees, timber, lumber thereon, or cut thereon, as if the same were cut on any patented land of the Crown."

That was an Act that was retrospective in its operation, that directly interfered with private rights, that took the property from one person and vested it in another without compensation, that overruled the laws of the land the rights of private parties and the judgment of the Court. The Corporation of the County of Frontenac petitioned against this Act, but Sir John Macdonald allowed it with all its objectionable features. In his memorandum to Council on this Bill he said: "It is clearly within the competence of the Local Legislature, and the undersigned recommends that it be left to its operation."

#### NEW BRUNSWICK SCHOOL BILL.

By an Act passed by the Legislature of New Brunswick in 1871 the Roman Catholic population of that Province felt that their rights were encroached upon by being required to contribute for the maintenance of a system of education in regard to which they had conscientious scruples. One would naturally suppose that if there was any