in the rule, it is urged that the 20th and 21st chapters of the Provincial Acts of 1874 are *ultra vires*, and the appointments therein invalid and of no effect. But the Crown, through its Secretary of State, having authorized such enactments, and the Acts having gone into operation, this contention is quite untenable."

The decision of this case not requiring it, I shall not examine the question whether the reply of Lord Kimberley, making known the opinion of the law officers, should be considered as importing at the same time a sufficient consent on the part of Her Majesty to authorize the legislation which followed it. Suffice it to say, that I recognise the wisdom of the rule which presumes in favour of the legality of legislative Acts, and which compels the tribunals to examine the question of their validity only in those cases where the solution of the question submitted to the Court imperiously requires it. The present cause does not present one of those cases, and the rule to which I have referred ought here to receive its application. The question to be decided here, is not so much whether the Acts in question are *ultra vires*, but rather whether one of them, chapter 21, can have a retroactive effect, affecting the letters patent of the 26th December 1872 granted to the respondent. It is, in consequence, quite useless to occupy oneself with the constitutionality of these two Acts, and one could not do it in the present case without violating the rule above mentioned. For this reason, I shall abstain from pronouncing on the validity of the Acts which are attacked, limiting my observations to the question of retroactivity raised as to chapter 21. The second section of the chapter is in these terms: "Members of the bar from time to time appointed after the 1st day of July, 1867, to be Her Majesty's Counsel for the Province, and members of the bar to whom from time to time, patents of precedence are granted, shall severally have such precedence in such courts as may be assigned to them by letters patent, which may be issued by the Lieutenant-Governor under the Great Seal of the Province." The appellants pretend that the terms of this section give an absolute power to the Provincial Government to assign to Queen's Counsel, who shall be appointed by virtue of that Act, rank and precedence over those previously appointed by Her Majesty or Her representative. This interpretation is certainly erroneous. The section is worded in terms which are designed to give effect to laws for the future only. It does not contain even one of those expressions ordinarily employed to give them a retroactive effect. To admit the retroactivity of this law, would be a violation of the following general rule of interpretation: "It is a general rule that all Statutes are to be considered to operate in future, unless from the language a retrospective effect be clearly intended." It would be useless to cite authorities here for this principle. It is enough to say, that I rely on the numerous authorities cited in the case of *The Queen* v. *Taylor*, 1 S. C. R., 65, decided by this Court, upon the retroactive effect sought to be given to a section of the Act which constitutes this Court.

Relying on these authorities, I am of opinion that the section of chapter 21 above cited, has no retroactive effect; that the letters patent giving rank and precedence to the appellants ought not to have any more effect than the Act itself, nor to affect in any manner the position of the respondent. I am, in consequence, of opinion, that the appeal ought to be dismissed with costs.

COUNTY COURT OF THE COUNTY OF ELGIN.

In the matter of W. E. Roche, Insolvent.

Insolvency—Contestation.

An infant son claiming to prove a debt for money lent against the estate of the insolvent, his father, disallowed, on account of the doubtful character of the evidence in support of the claim, and that no books were shewn as proving credits given to the son for the alleged loans, and that subsequent payments alleged to have been made on account of the supposed debt were not charged by the Insolvent to the son, or credited by the son to the father.

[St. Thomas, Oct. 5.

The claimant set up a claim against the estate as for money lent. He had been a