would have infringed on the prerogative rights of the Crown, it was not assented to. I have not been able to find a copy of the Bill, but I think I have suggested the true explanation of the language used by Lord Sydenham. As regards Upper Canada, therefore, it is evident that prior to the Union Act of 1840, both the casual and the territorial revenues of the Crown in that province were under the absolute control of the direct representative of Her Majesty in Canada, and that her title to the waste lands *jure coronæ*, and to the hereditary revenues from whatever source, had not been, and constitutionally could not be, affected by any act of the Provincial Legislature without Her Majesty's consent, under the authority of an Act of the Imperial Parliament. We start then with the Union Act of 1840, to ascertain the nature and extent of local legislative authority over Crown lands and Crown revenues in Canada, before Confederation. The first point to be observed is the extreme care taken by the Imperial Parliament to secure a permanent Civil List, especially in respect to the salaries of the Governor and judges, as fixed by Schedule A of the Act. The Governor (sec. 53) might abolish any of the political offices, and vary the sums payable for their services, mentioned in Schedule B, but the permanent offices could only be touched by an Act of the Legislature, which of course required the assent of the Crown. But as regards the waste lands of the Crown, we find this significant restraint upon the power of legislation in the 42nd section:—

"Whenever any bill or bills shall be passed containing any provisions which shall in any manner relate to or affect Her Majesty's prerogative touching the granting of waste lands of the Crown within the said Province, every such bill or bills shall, previously to any declaration or signification of Her Majesty's assent thereto, be laid before both Houses of Parliament," for 'thirty days,' and, if either House should think proper to address Her Majesty asking her to withold her assent, it would not thereafter be lawful for her to give it. Other formalities were required to prevent any covert legislation which if neglected rendered such legislation *ipso facto* void. It will be seen that under these restrictions, in connection with those in the 57th section, preventing the legislature from passing any vote to appropriate any part of the surplus of the Consolidated Revenue Fund, without 'a message' from the Governor, and in the 59th section, which requires the Governor to exercise *all* his powers and authorities in conformity with 'instructions' from Her Majesty, any law *divesting* the Crown of any of its prerogative rights, and *vesting* them in the Provincial Legislature, must emanate from, or be expressly confirmed by, the Imperial Parliament. Now, it will be for my learned friends to produce such a law prior to July, 1867, if they can. I have failed to discover it. By the Imperial Act of 1791 the tenure of free and common soccage was declared to be the tenure of lands in Upper Canada, when granted by the Crown, but the fee, estate, or title of the sovereign in the ungranted lands, has never been divested or transferred to any other power, Imperial or local. I contend that the power of the Canadian Parliament before 1867, and the power of the Local Legislatures since, in respect to the public lands, was and is simply a power of administration. I admit that an Act of the old Canadian Parliament, sanctioned and approved by Her Majesty as required by the Union Act of 1840,