

"ble right, like the right to follow a lawful calling, for acts which were innocent or at least not punishable when committed, the law will be ex-post facto in the Constitutional sense, notwithstanding it does not in terms declare the acts to which the penalty is attached criminal." Can there be any question that to drive a man from his house and home, selected, occupied and acquired in thorough accordance with existing law, is not depriving him of a valuable right, when no charge of a nature forfeiting that right is alleged against him? The same author at pages 77 and 78 says. "The implications from the provisions of a constitution are sometimes exceedingly important, and have a large influence on its construction. One 'rule of construction' is, that when the constitution defines 'the circumstances under which a right may be exercised or a penalty imposed, the specification is an implied prohibition against legislative interference to add to the condition or to extend the penalty to other cases.'"

At page 138, after referring to powers specially conferred by the constitution upon the Governor or any other specified officer, he adds, "Other powers or duties the Executive cannot exercise, or assume except by Legislative authority, and the power which in its discretion it confers, it may also in its discretion withhold or confer to other hands, and in a note bearing on this point he quotes from an American case the following observations. "In deciding this question, as to the authority 'of the Governor recurrence must be had to the constitution; that furnishes the only Rule by which the court can be governed. That is the 'Charter of the Governor's authority, all the powers delegated to him 'or in accordance with that Instrument he is entitled to exercise and 'none others.' See also the Chief Justice's observations in *Valin vs. Langlois*, hereinbefore quoted, as to Statutory rights. Where then in the Constitution—the British North America Act, is any power of the character claimed given to the Governor-General, a power, it is contended to be exercised at the instance of the Local Legislature, whether the movement, in the language of Mr. Justice Patterson, may 'spring from 'caprice or from crude theories of political economy, or from any cause 'whatever, being a matter of speculation."

So strongly is this principle of the inviolability of the status of the Judges regarded under the Federal Government of the United States, that that Government never imposes, or permits to be imposed upon, the Judges once appointed by the Federal Government, any additional burdens or restrictions, without special legislation by Congress to that effect, and should it in view of paramount public interest do so, not without providing additional compensation, thus shewing that in the American view, the Constitution requires the presumed compact, resulting from the appointment, to be construed in the light of the existing law at the time of the appointment, and this has been the rule from the dawn of the Republic.

Vide Act of Congress, May 26, 1824, section 13, 4 United States Statutes at Large, page 56, relative to Federal Judge of Missouri;

Do. do. June 17, 1844, 5 do. 676, relative to Louisiana, Arkansas, Mississippi and Alabama;

Do. do. June 14, 1860, section 7, 12 Statutes do. page 35, relative to California.

It must, therefore, be considered that in Law no authority is given to the Dominion Ministry to advise the Governor-General to order the

Judges in
Commissi
Act, 1879
and conse
be uncon

A ju
in the ca
land, fro

As to
terested,
objection
so the su
tion in t
a matter
"against
"which
Ranger v
See also

I th
Mr. The
lation re
the Rule
Governo
and that
to afford
day as p
points re
conclusio
fact that
lengthy,
amicus c
effect oth

The
Chief Ju
sidered t
assistance
sent at C
his brot
before t

1st.
meaning
Act 186
2nd
and can
and hav
as to ha
3rd
the proc
in comm
4th
pointed
stitution
5th