

the supposition that he could be always free to deal with it as he intended to deal with it at the time of the purchase, and in consideration of which he paid a price possibly higher than he would have paid had he foreseen the change in the conditions subsequently made.

This is at first sight a very plausible, but, as a little consideration will show, a very superficial and very erroneous view of the question. In the first place, as the judgment clearly points out, it is opposed to the strictly legal aspect of the case. In popular language and in accordance with the view of the lumberman, we speak of the license holder as though he were the absolute owner of the property described in the license, which is a contradiction in terms. Legally he has no right outside of the terms of his license, which is not a conveyance of the timber, but merely a right to cut and remove it. Leaving, however, this part of the case, upon which it is unnecessary to dwell, we turn to the equitable view, in which, if anywhere, the strength of the case of the suppliant lies. Is he then such an innocent purchaser as to be entitled to have, as he asks, the strictest possible construction placed against the Crown upon the Act and upon the Order in Council, under authority of which the license is issued, as being *ex post facto* legislation, and a violation of the terms upon which he obtained his rights, whatever they may be.

In answer to this it may be said that the purchaser of the limit always had in mind not only the possibility but the probability of the export of logs being by some means prevented. He knew that the Dominion Government had imposed an export duty, and he had, as he supposed, protected himself by legislation in his own country against such a thing being done in the future. And having taken this precaution he thought he was safe in running the risk of anything else being done to prevent him from pursuing his own interest in a way which he well knew was exceedingly detrimental to the interest and opposed to the policy of those with whom he was dealing, and which they were sure to put a stop to by any legitimate means in their power. And now that a means has been found of preventing him from using his property in a manner injurious to the country in which it is situated, he appeals to the sense of justice in the Government of Ontario to protect him in doing that which he knew beforehand they might if so disposed