

degree a hardship upon us. Surely it is a trifling thing to allow the Queen's representative in this country, as a matter of authority, as a proof of the existence of that authority, to dispose of any properties which may, by the death of the existing owners, be escheated. It is a light burden, and my learned friends wish to deprive us, not only of the fact, but even of the sentiment, which is inspired by the existence of the fact, and to cut the last—almost the last—link which binds Canada to the Mother Country. I say it would be a most fatal result if it should turn out that the Imperial Parliament meant to extinguish the sentiment of loyalty, where it has hitherto inspired to noble deeds, by removing forever from the eyes of our youth this sign, this badge of the Royal authority. Certainly it is not the expressed meaning of Parliament. I am satisfied it was not the intention. My lords, if such an intention had been avowed, that Act would never have passed the Parliament of Canada, much less the Parliament of the Empire. My learned friends must go that far. They must admit that the surrender is for all time; that this Act is perpetual; that it has no limitation; that it is a complete and final transfer to the subject, of the power of asserting the prerogative rights of the Crown in Canada. They must say that the Crown of England is no longer entitled to claim any rights whatever in the casual or territorial revenues which previously did accrue and belong to that Crown, in Canada. I deny that there is a word in the Act to support their construction. I leave the case there. It is an important one. Its importance is not by any means to be measured by the amount of money involved, or the private interests directly concerned. It is a question whose decision will settle the relative powers and rights of these two legislative systems in this country. It is the first case, so far as I have observed in looking through the judgments of this high court, in which the question of prerogative jurisdiction has been squarely presented. Though I am here representing private parties in this matter, I have felt it my duty to draw your lordships' attention—perhaps to a greater extent than would be warranted in an ordinary case—to the public interests that are involved in it. I expect, and the country expects, that this high court will interpret the law correctly and impartially. As a public man I have had occasion to say in another place, and I said it because it is true, that I am perfectly satisfied with the judgments of the Supreme Court of Canada in their interpretation of the present constitution. I believe they have rightly apprehended its spirit, and have rightly interpreted its terms, in the cases that have come before them. It would be idle to suppose that any remarks which may fall from me could have a misleading effect on the minds of the reverend judges of this court, but I may be permitted to say that it is our good fortune to have in this country a court above all improper influences—superior to the ebb and flow of political feeling—capable of dealing with all questions which come before it, whether emanating from the side of the Dominion, or from the side of the Provinces, in the light of the Imperial Act of Union, and delivering their judgments upon its terms and meaning according to their reason and their conscience, unaffected by any considerations or influences outside of these walls. Under that conviction, I feel that I am entitled to the judgment of your lordships against the decision of the Court of Appeal of Ontario.