

contains a proviso for qualifying and restraining the powers so conferred. This proviso restrains the Governor and Special Council, *Firstly*, From altering the constitution or powers of the suspended Legislature ; *Secondly*, From levying new taxes, and *Thirdly*, From suspending or altering any provision of any Act of the Parliament of Great Britain or of the United Kingdom, or any Act of the suspended Legislature for suspending or altering any *such* Act of Parliament.

It is the proper province of a proviso or saving in a statute, to qualify and restrain the purview to which it relates ; and, accordingly, as the suspended Legislature had power to alter its own constitution and powers, and the same power would have been conveyed to the Governor and Special Council by the general words of the purview, the proviso restrains it in this particular, and the same observation applies to the power of levying new taxes. The concluding part of the proviso restrains the Governor and Special Council from suspending, altering or repealing certain laws in force in the Province, and particularly any Acts of the Parliament of Great Britain or of the United Kingdom. Does this restriction relate to the Acts of Parliament made expressly for the Colonies or for Canada, as is pretended by some ? I think not, and that it refers to such Acts of Parliament only as might have been altered, suspended or repealed by the suspended Legislature ; and my reasons are, 1st. That as the suspended Legislature had clearly and avowedly no power to modify any Act of Parliament made expressly for the Colonies or for this Province, the Governor and Special Council having by the general purview of the Act no other powers than those of the suspended Legislature, a proviso could not be required to restrain them from exercising higher powers not included in the purview of the Act and inconsistent with the existing relation between a Colony and its Metropolis, as it is against all rule so to construe a statute as that any clause, sentence or word therein shall be superfluous, void or insignificant, if it can be avoided.

2ndly. But as the suspended Legislature had the power of altering, repealing or suspending, and did in fact more than once alter, repeal and suspend several Acts of Parliament of the second class, the same power must have been held by the Governor and Special Council, if Parliament had not most wisely imposed a salutary restriction in this proviso, whereby an extraordinary, unconstitutional and temporary Legislature is denied the power of convulsing the country by repealing or suspending laws to which the mass of the population is accustomed and fondly attached. The proviso thus understood has a reasonable meaning ; but, applied to Acts of Parliament of the first class it would be useless, unmeaning and derogatory to the wisdom of Parliament.

We read at the end of the proviso, what will certainly appear very decisive to an unbiassed mind. The Governor and Special Council are further restricted from suspending, altering or repealing any Act of the suspended Legislature, made for repealing or altering any *such* Act of Parliament ; not *such* undoubtedly, as the suspended Legislature could neither repeal nor alter, but *such* most evidently as that Legislature had power to alter and repeal, and did in fact alter and repeal, namely, Acts of the second class, *such* as the Governor and Special Council are expressly restricted from suspending or altering.