

and that, if the Legislature acted in a different view of the effect of the devise, they were acting under an erroneous view of the construction of the will in that point. In either of these views as to the cause of the rejection of the motion in amendment, no satisfactory evidence would be afforded for passing this statute, beyond what the former Act itself would furnish. We therefore come to the conclusion that an Act, declaring and determining the true intention and object of the first Parliament of Ontario in passing the said former Act, is highly objectionable, having duly considered the grounds stated in the petition. But the Bill goes further, and by sec. 3 proposes to enact "That the claims, rights, and interests of the grandchildren of the testator are hereby extinguished and determined; and the said Act and the deed, Schedule A, are to be construed as if the said grandchildren were of full age, and executing the said indenture, and thereby granting, assigning, and releasing to the said children of the testator any rights, claims, or interest in the premises." The judges now almost for the first time being required to discuss the "advisability" of any proposed Statute, deem it right to have it clearly understood that the Act submitted to them distinctly takes away certain valuable rights from one class of persons, and transfers such rights to another class; that it defeats the hitherto undoubted right of a testator to dispose of his property in a reasonable and lawful manner to such members of his family as he thought proper. The possible result of the proposed Act may be the total loss of a valuable estate, which, but for its operation, would vest in such of testator's grandchildren as may survive his widow, and to establish a precedent under which no one of Her Majesty's subjects can be secure that his disposition of his estate may not always be at the mercy of Legislative alteration. It should also be borne in mind that part of the estate is in England, where some of the infant grandchildren of testator are domiciled, and there are others domiciled in the United States, and that a very serious question may arise whether the proposed Act will be held in England to be any protection to the executors and trustees, who are by it to do an act wholly unwarrantable by their fiduciary position, not merely as to such portion of the estate in the country of the domicile of the children who reside in England, but as to that portion of it also which is in this Province.

WM. B. RICHARDS, C.J.
J. G. SPRAGGE, C.
JOHN H. HAGARTY, C.J., C.P.

The undersigned dissented from the interpretation put upon the Goodhue Estate Act (34 Vic. c. 99) by the majority of the Judges of the Court of Appeals. He nevertheless agrees entirely with the views expressed in the foregoing paper.

J. G. SPRAGGE.

On motion of the Honourable Attorney-General Mowat, seconded by the Honourable Mr. Crooks, it was ordered that the foregoing Report be entered on the Journals of this House.

PRINTING COMMITTEE'S REPORT.

Mr. CLARKE (Wellington) presented the eighth report of the Printing Committee, recommending the printing of returns and statistics in reference to various public institutions.

Mr. WOOD (Brant) drew attention to the fact that a paper connected with the Agricultural College at Mimico, which had been sent to the Commissioner of Public Works was not amongst the other papers.

Hon. Mr. McKELLAR said that there was a copy of it in the office, taken from a newspaper, but the paper never came to him in any other shape.

Mr. WOOD said that he borrowed it from the Commissioner himself, and afterwards one of the reporters for the press got it in order to copy it, and in that way it had probably been mislaid.

Hon. Mr. McKELLAR said that if such was the case, it had escaped his attention, but he would see that the original document, if possible, was brought down.

BILL INTRODUCED.

Mr. MONK—Bill to amend the Act for the encouragement of agriculture, horticulture, arts, and manufactures.

COST OF PROTON COMMITTEE.

Mr. SINCLAIR moved for statement of

the expenses incurred in connection with the "Proton Outrage" investigation, showing the names of the witnesses and the sum paid to each; the names of the reporters and the sum paid to each; and all other expenses incurred in consequence of the appointment of the "Proton Outrage" Committee.

Mr. RYKERT said he would like to know on what authority the money had been paid. The pay of the reporters had not been authorized by him as Chairman as was usual in such cases.

Mr. McKELLAR did not see any objection.

Mr. MACDONALD called attention to the fact that some of the letters presented to the Committee were not published.

Mr. LAUDER said that the information asked for by the mover would be found in the public accounts. The reports had been distributed very sparingly.

Mr. SINCLAIR said that he wanted more detailed information than the Public Accounts gave.

Mr. WOOD (Brant) said that doubtless, as was the custom, copies of the report had been sent to each newspaper office in the country. He thought that the expense had been properly incurred, and that no one had been overpaid.

The motion then passed.

SCHOOL LANDS.

Mr. SCOTT (Grey) asked what action they intend to take in cases where the settlers on School lands are unable to pay for them, or where such lands have been found on inspection to be inferior in quality, and not worth the price for which originally sold.

Hon. Mr. SCOTT said that at present what the Government proposed doing was to remit one-fifth of the original purchase money where the lands have been returned by the valuers as of inferior quality, and as having been sold at a higher rate than they were worth. Until some arrangement was made with Lower Canada it would be impossible to carry out any other rule. His own opinion was that we should, at an early day, deal with Lower Canada as to her share of these lands so as to enable us to do what is fair better than we can now. A great deal of embarrassment now arose in the case of two townships lying alongside each other, one being unreduced school and the other reduced Crown lands. He thought that the people who had gone in ten years ago to Grey and Bruce, and settled on inferior lands, should be relieved. The reductions on the Crown lands had been on a much more liberal scale than one-fifth of the original purchase money. With regard to the school lands there was another difficulty about them, namely, that in the majority of cases the parties who took them up are still living on them, and that it is impossible to cancel such sales. The original agreement has to be carried out in its entirety. The share of Ontario in these school lands would, he said, depend upon the ratio of population in excess of Quebec. The land fund had to be considered as well as charge for management, and the result was that Ontario had either to give away entirely its portion of the land, or award to the settlers thereon much less justice than to those living on the Crown lands. It was very hard to make the people of the country believe that there should be this discrimination between the two sorts of lands. He was quite prepared to recommend that we should endeavour to come to some fair settlement with Lower Canada with reference to these lands. Many of the settlers were utterly unable to pay the arrears due, which in some cases went back for fifteen years. The lands would, many of them, if put to the hammer, bring the price for which they were originally sold, but it would plainly be a monstrous injustice to do so. He hoped that at some future time they might have an unofficial discussion with the gentlemen forming the Government of Quebec, which would lead to something being done which would benefit the settlers. In the meantime the measure of relief which he had before mentioned would be given. Lands which had been sold for \$200, would be reduced to \$160 per acre.

CROWN LANDS.

Mr. SCOTT (Grey) asked what length of time for payment, and what terms of payment, will be allowed to settlers on Crown lands which have been inspected, and the price of which the Government intends to reduce.

Hon. Mr. SCOTT answered that as to time there was no restriction at present. It was, of course, very desirable that many of the settlements should be closed up within the present year, but the Government was not prepared to insist upon even that being