Sess.: P. 1877. No. 89, p. 229). Again in the same year another Manitoba Act was disallowed on a report of the Minister advising its disallowance: "especially as in his opinion, the original Act" (of which the Act in question was in amendment) "afforded all the necessary protection to the purchase of Half Breed Land rights."

Without pretending to have referred to all the precedents in point, it seems to be clear that so far as constitutional practice is at present settled, the prerogative of vetoing Provincial legislation may be constitutionally exercised by the Governor-General in Council, when the Acts in question :—

(1) Are illegal, as, for example, contravening Imperial Acts on the same subject matter and applicable to the colonies (Todd, 168-192):—

(2) Are unconstitutional as ultra vires the Provincial Legislatures under the B. N. A. Act :—

(3) Interfere with the concurrent jurisdiction possessed by the Dominion Parliament in the same subject matter :—

(4) Are opposed to the general interests of the Dominion : under which head may be cited those examples of acts of Manitoba and British Columbia disallowed or objected to because calculated to interfere with the projected building of the Canada Pacific Railway, (see Can. Sess. p. 1877, No. 89, p. 195; *ib.* p. 288); and under this head, indeed, should perhaps be put those cases where the enactments of the Provincial acts,

(5) Are opposed to sound principles of legislation; or at all events when they contain retroactive provisions divesting private rights and property. The above precedents show many examples of interference on thi, ground, and the report of the Minister of Justice, published in the last number of this journal, shows the latest to be the recent disallowance of the Ontario Act of last session "for protecting the public interest in rivers, streams and creeks."

A. H. F. LEFROY.

LEGISLATION AS TO LEASES.

In a recent nnmber of the *Law Journal* there is an article on the "Leases Bill, 1881," which aims at the mitigation of the proviso for re-entry for breach of covenant; which occurs in every ordinary lease. A bill framed with a similar object was some time ago introduced by Lord Cairns, and has already passed the House of Lords. Our contemporary proceeds to discuss and contrast the two measures, in order, as it says, "to promote the speedy passing of the better of the two." As the subject is an important one, and will probably be found, sooner or later, to require legislative action in Ontario, we reproduce a portion of the article in the *Law Journal*, which, it will be noticed, expresses a preference for the measure introduced by the learned ex-Lord Chancellor.

"The principal clauses of Lord Cairns's bill, relating to the forfeiture of leases, and forming a small part of his bulky Conveyancing and Law of Property Amendment Bill, run thus :—

A right of re-entry . . . . for a breach of any covenant . . . . shall not be enforceable . . . . unless and until the lessor serves on the lessee a notice specifying the particular breach complained of, and, if the breach is capable of remedy, requiring the lessee to make compensation in money for the breach, and the lessee fails within a reasonable time thereafter to remedy the breach if it is capable of remedy, and to make reasonable compensation in money to the satisfaction of the lessor for such breach. Where the lessor is proceeding by action, or otherwise, to enforce such a right of re-entry or forfeiture, the lessee may . . . . apply to the Court for relief, and the Court may grant, or refuse, relief as the Court, having regard to the proceedings of the parties under the foregoing provisions of this section, and to all the other circumstances, thinks fit; and, in case of relief, may grant it on such terms, if any, as to costs, expenses, damages, compensation, penalty, or other matters relative to the breach, or to any subsequent like or other breach, as the Court in the circumstances of each case thinks fit.

The principal clause of the present Leases Bill runs thus :—