

with respect to the Acts passed by the Provincial Legislatures.

The same powers of disallowance as have always belonged to the Imperial Government with respect to the Acts passed by Colonial Legislatures, have been conferred by the Union Act on the Government of Canada. Of late years Her Majesty's Government has not, as a general rule, interfered with the legislation of Colonies having Representative Institutions and Responsible Government, except in the cases specially mentioned in the instructions to the Governors, or in matters of Imperial and not merely local interest.

Under the present constitution of Canada, the General Government will be called upon to consider the propriety of allowance or disallowance of Provincial Acts, much more frequently than Her Majesty's Government has been with respect to Colonial enactments.

In deciding whether any Acts of a Provincial Legislature should be disallowed or sanctioned, the Government must not only consider whether it affects the interests of the whole Dominion or not; but also, whether it be unconstitutional, whether it exceeds the jurisdiction conferred on Local Legislatures, and in cases where the jurisdiction is concurrent, whether it clashes with the Legislation of the General Parliament.

As it is of importance that the course of Local Legislation should be interfered with as little as possible, and the power of disallowance exercised with great caution, and only in cases where the law and the general interests of the Dominion imperatively demand it, the undersigned recommends that the following course be pursued:—

That on receipt, by Your Excellency, of the Acts passed in any Province, they be referred to the Minister of Justice for report, and that he, with all convenient speed, do report as to those Acts which he considers free from objection of any kind; and, if such report be approved by Your Excellency in Council, that such approval be forthwith communicated to the Provincial Government.

That he make a separate report, or separate reports, on those Acts which he may consider:—

1. As being altogether illegal or unconstitutional;
2. As illegal or unconstitutional in part;
3. In cases of concurrent jurisdiction as clashing with the Legislation of the general Parliament;
4. As affecting the interests of the Dominion generally;

And that in such report or reports, he gives his reasons for his opinions.

That, where a measure is considered only partially defective, or where objectionable, as being prejudicial to the general interests of the Dominion, or as clashing with its Legislation, communication should be had with the Provincial Government with respect to such measure, and that, in such case, the Act should not be disallowed, if the general interests permit such a course, until the Local Government has an opportunity of considering and discussing the objections taken, and the Local Legislature has also an opportunity of remedying the defects found to exist.

All of which is respectfully submitted.

JOHN A. MACDONALD.

This memorandum was formally approved and adopted by an Order in Council, and copies were sent to the lieutenant-governors of the provinces. The other papers comprised in the return are merely the acknowledgments of receipt of this communication.

GENERAL NOTES.

TELEGRAMS.—Authority given to an agent by telegram must be held, for the purposes of jurisdiction, to have been given at the receiver's, not the sender's, end of the wire (*Cowan v. O'Connor*, 57 Law J. Rep. Q. B. 401).

WORKING MEN AS MAGISTRATES.—The Lord Chancellor having now under consideration the appointment of justices for the first commission of the peace for West Bromwich, a movement is on foot asking for the appointment of several workmen on the bench.

MAINTAINING THE PEACE OF THE COURT.—Where a noise is made in the vicinity of the Court of such a character as to prevent the business of the Court being transacted, the presiding judge has power to issue either a verbal or written notice to the perpetrator of the noise, warning him of its effect, and directing him to stop it; and it is not necessary that the presiding judge should, before issuing such notice and direction, satisfy himself as to whether the noise was made for the purpose of interfering with the business of the Court or not (*Re Dakin*, 9 Australian L. T. Rep. 62).