

the doctrine to which you suppose Dr. Bourinot leans, but adopting it rather more decidedly than you suppose the Doctor to do, and, indeed, maintaining that disallowance should never be resorted to except when the disallowed Act is *extra vires*; and in some papers I have seen a like opinion expressed, accompanied with an intimation that our Premier had adopted it. I do not think this doctrine correct, and I think Sir John repudiated it in his speech at the laying of the corner stone of a Methodist church, and said, as the writer of the article in your journal does, and as I humbly follow them in believing, that the power of disallowance was intended to be exercised whenever the Provincial Act contained any provision inconsistent with the safety, honour or welfare of the Dominion; as, for instance, repudiation of a provincial obligation or contract, or any provision inconsistent with justice or morality. To confine an exercise of this power to cases where the Act is *extra vires* would make it superfluous and useless, for the Act would be void to all intents and purposes, and might be so declared by any court before which its illegality should be pleaded, at any time after its passing, and although it should have been sanctioned without objection. It might, of course, be disallowed, and its disallowance desirable to avoid doubt, delay and litigation; but the intent of the disallowance provision in the constitutional Act was not merely to stop the unlawful assumption of power by the Provinces, which the courts could do, but to prevent the abuse of the powers vested in them but exercised to the detriment of the Dominion. I think this power of disallowance is rightly vested in the Governor, acting by and with the advice of an Executive Council, under the virtual control of the Dominion Parliament, in which all the Provinces are represented, rather than in any court, which could only have determined the legality of an Act questioned, and not its policy and effect on the Dominion generally. Vested as it now is, I hold the power of disallowance to be useful, and indispensable to the conservation and welfare of the Dominion.

W.

Notes on Exchanges and Legal Scrap Book.

THE LAWYER'S ADVICE.—A good case of outwitting a fraudulent bailee is given by Mr. Uttley in the *Law Journal*: "Many years ago, a farmer having occasion to spend some days at an inn, asked and obtained leave from the inn-keeper to deposit with him a sum of money, amounting to one hundred pounds, for greater safety and security. When the time came to depart, the farmer naturally asked his host for the return of the money deposited with him. The landlord, however, evinced much surprise at the request, and vowed there must be some mistake, and that the money must have been entrusted to some one else. There being no receipt, nor any witnesses of the transaction, the farmer felt that he could do nothing. Subsequently meeting a friend and relating the facts of the case to him, he was advised to consult an attorney. The lawyer, after listening to his recital of the facts, thereupon, to his great amazement, advised him to return to the inn-keeper, take his friend with him as a witness,