

amending Act distinctly admits, the right of using a steam motor on its tramway. The exercise of this right the County Council of York seeks to restrain on the ground of danger to passengers on the Kingston Road. The parties are in Chancery, when, at the instance of the Council, the Legislature steps in and cuts the knot by an amending Act taking away the right from the Company. It must be said that this bears a sinister resemblance to an act of confiscation. It seems to involve the assumption of a power not less dangerous in its nature than indefinite in its extent. There is no necessity for impeaching the motives of the Legislature, which may naturally have thought that it did right in withdrawing a privilege granted by itself when found to be productive of unforeseen inconvenience to the public. But the establishment of the wrong principle might in the end take private right and private property out of the guardianship of the law to put them at the mercy of the lobby. The Act altering the Goodhue Will was happily defeated by its own ambiguity, which enabled the Courts of Law to treat it as a nullity. In the present instance it is to be hoped that the Governor-General will be advised, before allowing the Act, to have the question fully argued. The truth is there ought to be no room for argument at all. The powers of the Local Legislature ought to have been clearly defined and limited by the written constitution. But we have often occasion to observe that the authors of the Confederation Act were men more versed in party management than in political jurisprudence. It would not be difficult to prove even that they had no very clear idea of the difference between National and Federal Government. They seem indeed to have been not above half conscious of the fact that it was a written constitution that they were framing, and that it was necessary explicitly to define all jurisdiction and to limit all powers. They fancied that they were only applying to Canada, with certain variations, the British Constitution, which they took to be something perfectly definite and well-known. The British Constitution is really nothing but a balance of power adjusted after a