

DOMINION CONTROL OVER PROVINCIAL LEGISLATION.

claim for indemnity or otherwise, but whom the plaintiff has not made or could not make parties. All these subjects seen to be fully explained, and, so far as we can see, illustrated by references to the English cases. The decisions of our own courts have not been left unnoticed in dealing with practice analogous to that now existing, but all that can be considered as authorities would seem to have been referred to. One very convenient addition which we notice is a *Time-table*, showing at a glance the times for taking the different steps in an action. The book is made complete as a treatise on the practice of the Courts by the addition of the orders of the Court of Appeal, and the index seems to be all that can be desired.

The edition by Messrs. Taylor & Ewart will, with the appendix, &c., be a well printed volume of some 800 pages. The notes on all questions of practice seem very complete, such, for example, as those on the subject of the powers of the Courts to grant relief to defendants under sec. 16, ss. 4; also as to counter claims, the authors giving a *resumé* of the old law and the cases under the corresponding section in England. This covers eleven pages of closely printed matter. Again, under section 45 the reader is given *in extenso* the sections of the C. L. P. Act and other enactments still in force, with appropriate explanatory notes, thus giving a comprehensive view of the subject. In addition to the Act proper, the Chancery Act, the Attorneys' Act, and the English Trustee Act of 1850 are reproduced, with notes bearing on the general subject of the work—also the general orders of the Court of Chancery remaining in force notwithstanding the passage of the Judicature Act, fully noted; and in connection with this we notice a feature which cannot but be of much practical utility, especially to beginners, a detailed account of the various proceedings in a mortgage suit, amounting in fact to a manual on the subject.

The number of cases referred to in both

books is very large, and though this is in itself by no means a proof of the value of the work done, it is evident that the compilations before us show the great industry and research of their authors. As to their ability it is not necessary for us to speak.

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The Order in Council contained in the *Canada Gazette* for May 21st ult., disallowing the "Act for protecting the public interest in rivers, streams, and creeks," being chapter 11 of the Ontario acts for last session, makes the question as to the measure of control that can be constitutionally exercised by the Governor-General in Council over Provincial legislation, of peculiar interest at the present time. The importance attaching to the form in which the constitutional practice in this matter is destined ultimately to mould itself, can scarcely be denied.

The chief sources of authoritative information in regard to it are to be found in two very lengthy returns to the Dominion Parliament, one of which is contained in *Can. Sess. Papers, 1870, No. 35*, and the other in *Can. Sess. Papers, 1877, No. 89*.

It is not, however, proposed in this place to refer at all to the question, how far the Governor-General, in determining according to his discretion (under B. N. A., sec. 90), whether bills passed by the Provincial legislatures shall be disallowed, or not, fulfils this function as an Imperial officer, and subject to instructions received from the Secretary of State; or whether he is bound to be guided in all cases by the advice of his ministers, who are themselves responsible to the Dominion House of Commons. On this important point there has been much correspondence between the Imperial and the Dominion Government, but it appears to remain still without authoritative decision (see Todd's