

consideration of the Governor in council, and is there finally dealt with. Is there legally or constitutionally anything to prevent the Governor in council from adopting the recommendation in whole or with such alterations as upon discussion in council appear proper to be made? The expression "Governor in council" in this section has no unusual meaning. When it says "with the sanction of the Governor in council" it means the Cabinet or Privy Council acting in the ordinary constitutional way. It is not a case of conferring a special power, but a case of the council exercising its ordinary functions.

It is well known, of course, that the practice in the Dominion of Canada for a number of years has been in accordance with constitutional usage that the business in council is done in the absence of the Governor-General. The mode in which business is done is by report to the Governor-General of the recommendations of the council sent to the Governor-General for his consideration, discussed when necessary between the Governor-General and the Premier, and made operative by being marked "approved" by the Governor-General. See Todd's *Parliamentary Government under Colonial Institutions*, pp. 37, 38. The matter is first brought before the council in the form of a memorandum or report by a responsible Minister of the Crown, generally containing his recommendations. But the council need not accept or adopt the memorandum or report on the recommendations as made. It is for it to take such action as seems appropriate. And in this must be involved the right and the power to make such changes in a report or recommendation of the Railway Committee, when submitted, as may be recommended by the Minister submitting the same, or as may be decided upon after discussion in council. The final conclusion of the council approved by the Governor-General is the sanction of the Governor in council required by sec. 187.

In this particular instance the order passed by the Railway Committee on 14th January, 1904, was brought before the council by the Minister of Railways and Canals, who was the chairman of the Committee, with a recommendation that it be sanctioned except as to the dates for commencement and completion, which he recommended should be 15th October, 1904, and 15th April, 1905, respectively, instead of the dates mentioned in the tentative order of 14th January, 1904. The council adopted the recommenda-