

EDITORIAL ITEMS—DISALLOWANCE.

with a friend to Fant's stable. They went, and after a close examination of the horse, soap and hot water were brought into requisition, and a plentiful application resulted in obliterating some neatly painted spots, and in the discovery that the sheriff had been hiring and driving behind his own long lost, long lamented bucephalus. The man Fant had in fact been supplying his customers with their own beef, which he had used a stolen horse to deliver. It was not known how many cows had been stolen, but about ten hides amongst those found (and supposed to be a small balance of the stock) were identified, and nearly as many indictments preferred against Fant. He was acquitted in the two first that were tried, and it was feared that he would escape punishment altogether from want of direct evidence of the stealing; but the jurymen, as it is supposed, began to think that if they had to try all the cases such a verdict would become monotonous, and, fortunately for his late neighbours, found him guilty on the third indictment, when the remaining ones were abandoned. He is now eating, when he can get it, penitentiary beef, but from what appears in late Winnipeg papers he has already become disgusted with his quarters, and made an unsuccessful dash for liberty.

DISALLOWANCE.

WE publish elsewhere a letter from a valued correspondent at Winnipeg, referring to some remarks on this subject which appear in a recent issue of this journal, and to which he appears to take exception, but upon what grounds we confess we cannot very clearly see from his communication.

As it is outside of the province of a legal journal to discuss any matter in its political aspect we forbear any further comment upon that part of our correspondent's letter where he suggests the substitution of the word "politician" for "lawyer" except to remark

that he seems to contradict his own affirmation immediately after having made it.

We do not quite understand what our correspondent means by asking if we hold that "the Parliament of Canada contracted with the railway, that the Governor-General's prerogative should be exercised *in a particular manner*." We should prefer before giving an answer to understand distinctly what is meant by "in a particular manner." The contention, generally, is that the Governor-General in Council has the constitutional (which we presume means also the legal) right to disallow any Act of a Local Legislature which is considered to contravene the general policy upon which the Dominion as a whole is governed. The contract with the railway is a national one, and provides, in what is known as the "twenty years clause," against the construction of certain competing lines for that period of time. The natural deduction, apart from technicalities, would be that it is the duty of the Governor-General in council to disallow any local Act incorporating a railway, the construction of which would contravene this provision of the C. P. R. contract. But further than this, the Governor in Council has the power, under the B. N. A. Act, to disallow any Act on general principles; the policy of doing so being, however, a question entirely apart from that of its constitutionality. The right of veto does not seem to be limited to Provincial Acts passed in excess of the powers conferred by the constitution.

In reference to the legislative powers of the Province of Manitoba to charter railways which "do not extend to the increased limits" or *added territory*, we do not find anything in the C. P. R. contract requiring the Governor-General in Council to veto such charters, and we must assume that he would not be advised to do so unless under circumstances of great gravity affecting the interests of the Dominion. If, however, the contention that the veto power is absolute is once admitted, then the question put by our correspondent is irrelevant to our former remarks