

in the interpretation of constitutional questions, the proper functions of Parliament in relation thereto. We have shewn that the exercise of these prerogatives have been entrusted, by the usages of the Constitution, to the responsible ministers of the crown, to be wielded in the king's name and behalf, for the interests of the state; subject always to the royal approval, and to the general sanction and control of Parliament. Parliament itself, we have seen, is one of the councils of the crown, but a council of deliberation and advice, not a council of administration. Into the details of administration a parliamentary assembly is, essentially, unfit to enter; and any attempt to discharge such functions, under the specious pretext of reforming abuses, or of rectifying corrupt influences, would only lead to greater evils, and must inevitably result in the sway of a tyrannical and irresponsible democracy. 'Instead of the function of governing, for which,' says Mill,† 'such an assembly is radically unfit, its proper office is to watch and control the government; to throw the light of publicity on its acts; to compel a full exposition and justification of all of them which any one considers questionable, to censure them if found to merit condemnation; and if the men who compose the government abuse their trust, or fulfil it in a manner which conflicts with the deliberate sense of the nation, to expel them from office'—or, rather, compel them to retire, by an unmistakable expression of the will of Parliament. Instead of attempting to decide upon matters of administration by its own vote, the proper duty of a representative assembly is 'to take care that the persons who have to decide them are the proper persons,' to see that those persons are honestly and intelligently chosen, and to interfere no further with them; except by unlimited latitude of suggestion and criticism, and by applying or withholding the final seal of national assent."

The second volume will be composed, we are told, of four chapters, as follows:—I. The Cabinet Council; its origin, modern development and present position in the English constitution. II. The several members of the Administration; their relative position and political functions. III. The Administration in Parliament; their conduct in public business, &c. IV. Proceedings in Parliament against Judges for misconduct in office. We can well imagine, judging from the contents of the first volume, how interesting and instructive the second will be, and we look forward to its perusal with pleasure. It will not, however, as we are informed, be published this year, as the announcement at the end of the first volume would seem to indicate.

A glance at the apparently very complete Index, at the end of the first volume, shows a vast store of interesting topics discussed by the learned and pains-taking author. The paper and printing are of the best description, from the celebrated house of Longmans, Green & Co.

† Mill, Rep. Govt. p. 104.

‡ Mill, Rep. Govt. pp. 94, 106. The whole chapter 'On the Proper Functions of Representative Bodies,' is deserving of a careful study.

We may mention that this work has had a very flattering reception from the press of England. The London *Globe*, the London *Canadian News*, and that most hard-to-please periodical, the *Saturday Review*, all notice the volume most favorably.

To conclude. Coming as it does at this particular juncture, the crisis of Canadian history, when parliamentary government necessarily become of more importance than it has hitherto been, the information to be derived from this book, and the sober-minded sound and thoroughly British views held and so well expressed by the author, will be of the greatest service; and we doubt not that it will command a very extensive sale, not only amongst those intimately connected with the machinery of government and legislation, but amongst all who have any desire, as all should have, to understand the theory and practice of that admirable form of government which we have inherited from our forefathers, and which we all hope to perpetuate in this Canada of ours.

APPOINTMENTS TO OFFICE

NOTARIES PUBLIC.

CYRUS CARROLL, of the village of Wrocteter, Esq., is a Notary Public for Upper Canada. (Gazetted May 11, 1867.)

ROBERT MITCHELL, of Guelph, Esq., Attorney-at-Law (of the firm of McCurry & Mitchell of that place), is a Notary Public for Upper Canada. (Gazetted May 11, 1867.)

DAVID WILSON, of Farmersville, Esq., to be a Notary Public for Upper Canada. (Gazetted May 26, 1867.)

CORONERS.

WILLIAM J. ROE, of Bothwell, Esq., M.D., to be an Associate Coroner for the County of Kent. (Gazetted May 25, 1867.)

TO CORRESPONDENTS.

"QUESTIONER"—under "General Correspondence"

HOW TO ARRIVE AT A VERDICT.—Colonel Myddelton Biddulph, M.P., and the trustees of the Wem and Bronygarth-road not being able to settle the amount of compensation for the road amicably, the matter has been settled by a jury. And it would appear that the 12 gentlemen who composed the conclave were much divided in their notions of the value of the colonel's land, considering that £75 was sufficient compensation, and others holding the opinion that £250 was not to much. After nearly two hours' deliberation, the knotty point was decided by a majority of genius on the part of the foreman, who suggested that each should put down on a slip of paper the amount he considered a just satisfaction to his claim, and when they had done so he would divide up the twelve sums and the division of the sum by twelve should be the amount awarded. The proposal was heralded with delight, every man would be represented in the decision, the matter was carried out, and Colonel Myddelton Biddulph was awarded £165.—From the *Westminster Times*.

DIARY FOR JULY.

1. Mon... County Court and Surrogate Court Term commences. Heir and Devisee sittings. Long Vacation. Last day for County Council finally to revise assessment roll and to equalize R. L. M.
4. Thurs. Sittings Court of Error and Appeal.
6. Sat... County Court and Surrogate Court Term ends.
7. SUN... 3rd Sunday after Trinity.
13. Sat... Last day for County Judges to make return of appeals from assessments.
14. SUN... 4th Sunday after Trinity.
16. Tues... Heir and Devisee sittings end.
21. SUN... 5th Sunday after Trinity.
25. Thurs. St. James.
28. SUN... 6th Sunday after Trinity.

THE

Upper Canada Law Journal.

JULY, 1867.

THE DOMINION OF CANADA.

It is not for information to the public, or as a matter interesting to the profession, that we hail the first day of July as a day to be remembered by Canadians; but it is right that we should so far go out of our usual course as to chronicle an event which, however interesting at the present time, is even more full of portent for the future.

The Provinces of Canada, Nova Scotia, and New Brunswick, become on the 1st of July instant, by virtue of the Queen's Proclamation, dated the 29th March, 1867, under the authority of the Imperial Act of 30 Vic. cap. 3, sec. 3, one Dominion, under the name of Canada. What was formerly known as Upper Canada being now Ontario, and Lower Canada being styled Quebec; each of the four Provinces having a distinct local legislature, with a general government for the Union.

The Right Honorable Charles Stanley, Viscount Monck, and Baron Monck of Ballytramon, was appointed by the Crown the Governor General of Canada; and subordinate to him have been appointed, Major-General Henry William Stisted, C.B., Lieutenant-Governor of the Province of Ontario; The Honorable Sir Narcisse Fortin Belleau, Knight, Lieutenant-Governor of the Province of Quebec; Lieutenant-General Sir William Fenwick Williams, Baronet of Kars, K.C.B., Lieutenant-Governor of the Province of Nova Scotia; Major-General Charles Hastings Doyle, Lieutenant-Governor of the Province of New Brunswick.

The appointment of the military commanders in Ontario, Nova Scotia and New Brunswick is provisional merely.

The *Canada Gazette* of the 3rd instant also contains the designation of the ministerial offices, with the names of the persons appointed to fill them who are all, moreover, members of the Queen's Privy Council for Canada, viz:—

The Honorable Sir John Alexander Macdonald, K.C.B., to be Minister of Justice and Attorney General; The Honorable George Etienne Cartier, C.B., to be Minister of Militia; The Honorable Samuel Leonard Tilley, C.B., to be Minister of Customs; The Honorable Alexander Tilloch Galt, C. B., to be Minister of Finance; The Honorable William McDougall, C. B., to be Minister of Public Works; The Honorable William Pearce Howland, C.B., to be Minister of Internal Revenue; The Honorable Adams George Archibald, to be Secretary of State for the Provinces; The Honorable Adam Johnson Fergusson Blair, to be President of the Privy Council; The Honorable Peter Mitchell, to be Minister of Marine and Fisheries; The Honorable Alexander Campbell, to be Postmaster General; The Honorable Jean Charles Chapais, to be Minister of Agriculture; The Honorable Hector Louis Langevin, to be Secretary of State of Canada; The Honorable Edward Kenny, to be Receiver General.

The Executive Councils of Ontario and of Quebec are to be composed of such persons as the Lieutenant-Governors may think fit; and in the first instance of the following officers, namely—the Attorney General, the Secretary and Registrar of the Province, the Treasurer of the Province, the Commissioner of Crown Lands, the Commissioner of Agriculture and Public Works, with, in Quebec, the Speaker of the Legislative Council and the Solicitor General.

The Constitution of the Executive authority in each of the Provinces of Nova Scotia and New Brunswick is, subject to the provisions of this Act, to continue as it existed at the Union, until altered under the authority of this Act.

Lord Monck was sworn in at Ottawa on the 1st of July, by Chief Justice Draper, assisted by Chief Justice Richards, Mr. Justice Hagarty, and Mr. Justice John Wilson, from the Province of Ontario, and Judge Mondelet,