

in the power of disallowance that protection which the makers of our constitution thought they had provided, and accept the ruling of the Minister of Justice, and the dictum of Mr. Justice Riddell.

It does not follow, however, that we must remain content with the knowledge that the rights of property may be set aside, the stability of contracts interfered with, and the security of commercial enterprises attacked, without compensation being awarded, by a body which it is alleged has shewn so little regard for such obligations, and is so ill-qualified to deal with them as our Provincial assembly. If the power of disallowance is in such cases no longer to be exercised, why should not the party whose rights are in any way interfered with have an appeal to, say, the Supreme Court? Why should not questions of civil rights, where private interests are concerned, be dealt with precisely in the same way that constitutional questions are dealt with—and as they are dealt with in the United States?

There are undoubtedly many cases when it becomes necessary, in the public interest, that private rights should, for the specific object in view, be set aside, but in all such cases that object should be clearly stated, and such compensation as equity requires should be awarded. In the public interest it may be necessary that a railway should pass through my property, and to that public interest my right of private property must yield, but the necessity for doing so must be apparent, and the compensation given must be adequate to the injury suffered. The same rule should apply to all cases in which private rights are affected, and if it is not observed there should be some means of compelling its observance.

The procedure would be very simple. The party aggrieved could lay his complaint before the Minister of Justice, and if the minister felt, as Mr. Aylesworth felt in the Cobalt case, that injustice was being done, instead of recommending that the Act be disallowed he would advise the Governor in Council that the question at issue should be referred to the Supreme Court for consideration and adjustment, the operation of the Act being,