

States, prohibiting the passing of a "law impairing the obligation of contracts" (Constitution of U.S. article I, s. X). The guarantee provided by the B.N.A. Act, 1867, against possible injustice resulting from the legislation of a provincial legislature is to be found, if anywhere, in the Governor-General's power under the B.N.A. Act, 1867, ss. 56, 90, to disallow any law passed by a provincial legislature.

*Second question.*—Does the B.N.A. Act, 1867, s. 92, sub-s. 13, give power to a provincial legislature to enact a law staying actions for the enforcement of the substantive and actually acquired rights of individuals?

*Answer.*—The Act does, in my opinion, confer such power. I do not think it possible to draw in principle a distinction between a law which without compensation deprives an individual of his property rights, and a law which deprives him of his right to enforce such rights by action. It is, of course, true that, unless the plainest language be used, any court would be unwilling to presume that a law was intended to have a retrospective operation which deprived an individual of his right to maintain an action, especially if it were already commenced, for interference with an actually acquired right.

*Third question.*—Does the B.N.A. Act, ss. 56 and 90, give to the Governor-General unlimited power of disallowing the Acts of a provincial legislature?

*Answer.*—The whole working of the constitution of the Dominion which is created under the B.N.A. Act, 1867, appears to depend upon the possession of, and the use by the Governor-General of this unlimited and general power of disallowance (see Lefroy, *Legislative Power in Canada*, proposn. 10, pp. 185-207). On this point I entirely agree with Mr. Goldwin Smith, that the enactment giving the power of disallowance plainly "refers to a power of political control to be exercised in the interest of the nation, not to a mere power of restraining illegal stretches of jurisdiction, a function which belongs, not to a government, but to a court of law." (Goldwin Smith, *Canada*, etc., p. 159.)