

worth, in his report on an application for disallowance of an Act which affected the parties in a controversy known as the Cobalt case, takes precisely the view for which we have been contending. He says: "There seems much ground for the belief that the famous B.N.A. Act contemplated, and probably intended, that the power of disallowance should afford to vested interests and the rights of property a safeguard and protection against destructive legislation," and then he goes on to say that the authorities cited on behalf of the petitioner would, if followed, require the disallowance of the Act, but that of later years different views have prevailed. Finally the Minister of Justice declares his opinion that "it is not intended by the B.N.A. Act that the power of disallowance shall be exercised for the purpose of annulling provincial legislation, even though Your Excellency's ministers consider the legislation unjust or oppressive, or in conflict with recognized legal principles, so long as such legislation is within the power of the Provincial Legislature to enact," and he concludes as follows: "The legislation in question, even though confiscation of property without compensation, and so an abuse of legislative power, does not fall within the limits of those cases in which the power of disallowance may be exercised." For these reasons, "though compelled to report strong disapproval of the policy of the statute," the Minister of Justice recommends that it be not disallowed.

It is not easy to follow the reasoning of Mr. Aylesworth. He admits at the outset a belief that the B.N.A. Act intended that the power of disallowance should be used for the protection of vested interests, and private rights, and later he comes to the conclusion that it was not so intended, and that, therefore, the Act should not be disallowed, even though his opinion clearly is that justice requires that it should be so dealt with.

It may be that it is better for the successful working of our federal constitution that the power of the Provincial Legislatures within their own sphere of action should be supreme and unquestioned, and it may be that such a conclusion has become a political necessity. If so we must abandon the hope of finding