

*II. Scope of power considered with reference to official expressions of opinion.*

The specific pronouncements, judicial and ministerial, which bear upon the question are not harmonious. But the preponderance of authority seems to be distinctly in favour of the conclusion which is indicated by the considerations referred to in the foregoing paragraphs. It is an extremely significant fact that all the utterances which sustain that conclusion have emanated from men who were conversant with public affairs at the time when the British North America Act was passed, and may therefore be reasonably presumed to have possessed an accurate knowledge of the views of its framers with regard to the meaning and object of the clause under discussion.

In the *Goodhue Case* (1873), 19 Grant, p. 385, it was observed by Chief Justice Draper, with reference to an Act which purported to alter a testamentary disposition of property:

"If, from oversight or any other cause, provisions should be inserted of an objectionable character, such as the deprivation of innocent parties of actual or even possible interests, by retroactive legislation, such bills are still subject to the consideration of the Governor-General who, as the representative of the Sovereign, is entrusted with authority, to which a corresponding duty attaches, to disallow any law, contrary to reason, or to natural justice in equity."

In *Leprohon v. City of Ottawa* (1877), 4 U.C.Q.B., p. 490, Chief Justice Harrison laid down this broad doctrine:

"The power of the Governor-General in Council to disallow a Provincial Act is as absolute as the power of the Queen to disallow a Dominion Act, and is, in case, to be the result of exercise of a sound discretion, for which exercise of discretion the executive Council for the time being is, in either case, to be responsible as for other Acts of executive administration."

In *The Corporation of Three Rivers v. Sulte* (1882), 5 L.N. 334, Ramsay, J., of the Quebec Court of Queen's Bench (Appeal side) remarked: