culty if a remedy be not speedily devised and applied for the prevention of uncertainty and possible conflict between rival authorities." He then asks for instructions as to the allowance or disallowance of Provincial Acts.

In the reply of Earl Granville, dated May 8, 1869,—which, however, chiefly concerns the main subject of enquiry by the Governor-General, namely, how far he was to act as an Imperial officer in regard to the disallowance of Provincial acts,—illegality or unconstitutionality are the only grounds alluded to as requiring the disallowance of such acts.

The Parliamentary Returns, indeed, show that by far the greater number of Provincial Acts which have been declared objectionable by the Governor-General in council have been so declared, because they or some of their provisions were not within the jurisdiction of the legislature, but infringed on the domain of Parliament under the B. N. A. Act. This ground of objection seems conceded on all sides, and there is, therefore, no object in dwelling upon it. There is another somewhat similar ground for interference as to which there also appears to be no question, viz., to avoid any inconvenient results, which might arise from a conflict as between the powers conferred on the Dominion Parliament by the B. N. A. Act (sec. 91), and those conferred on the Local Legislatures, in cases where there is, or might appear to be, concurrent jurisdiction. (As to this, see per Ritchie, J., in *Severn* v. *The Queen*, 2 S. C. R., 102, and per Strong, J., ib. p. 109, and Fournier, J., ib. p. 119).

But the returns show clearly that such have not been the only grounds on which the Dominion Government has been in the habit of interfering with Provincial Legislation.

Before alluding to these other grounds, however, it may be observed that the care with which this prerogative should be exercised is insisted on on all sides. The passage quoted above from the Report of the Minister of Justice is an illustration of this. Mr. Todd (p. 343) also points out that in deciding upon the validity or expediency of provincial enactments, the Governor-General in council has no arbitrary discretion, but that (p. 367) "the rights of local self-government heretofore conceded to the several provinces of the Dominion are not, in anywise, impaired by their having entered into a federal compact," and that no infringment upon these rights which would be at variance with constitutional usage, or with the liberty of action previously enjoyed by these provinces when under the direct control of the Imperial Government, would be justifiable on the part of the Dominion Executive. There are also many *obiter dicta* of our judges to the same point. Thus in *Severn* v. *The Queen*, 2 S.C.R. 96 (1878) Sir William Richards said: "Under our system of government, the disallowing of statutes passed by a Local Legislature after due deliberation, asserting a right to exercise powers which they claim to possess under the B. N. A. Act, will always be considered a harsh exercise of power, unless in cases of great and manifest necessity, or where the Act is so clearly beyond the powers of the Local Legislature that the propriety of interfering would at once be recognized."

So in the same case Fournier, J., says on p. 119 of the same volume:—

"No doubt this extraordinary prerogative exists, *and could even be applied to a law over which the Provincial Legislature had complete jurisdiction.* But it is precisely on account of its extraordinary and exceptional character that the exercise of this prerogative will always be a delicate matter. It will always be very difficult for the Federal Government to substitute its opinion instead of that of the Legislative Assemblies, in regard to matters within their province, without exposing themselves to be reproached with threatening the independence of the Provinces."

In *Leprohon* v. *The City of Ottawa*, 40 U. C. R. 490, Harrison C. J. says:—

"The power of the Governor-General in