

devolves upon this government to see that such power is not exercised in flagrant violation of private rights, and natural justice . . . especially when, as in this case, the Act overrides a decision of a court of competent jurisdiction."

In 1893 an Act was passed by the Nova Scotia Legislature which, in the opinion of Sir John Thompson, might have had the effect of prejudicing certain vested rights, and on this being pointed out to the Attorney-General of Nova Scotia the Act was amended accordingly. But whatever the intention of the framers of the Act of Confederation may have been, the long political rivalry between the Conservatives at Ottawa under Sir John Macdonald, and the Liberals at Toronto under Sir Oliver Mowat, would have prevented, and did prevent, any fair consideration of the question.

In the same year that the case in Nova Scotia above referred to arose, a railway company in Ontario complained that the operation of a certain Act of the Provincial Legislature would interfere with vested rights, without compensation, and the Minister of Justice held that if this contention were correct there would be sufficient reason for the exercise of the power of disallowance. The view taken by the Attorney-General of Ontario was expressed as follows: "I repudiate the notion of the petitioners that it is the office of the Dominion Government to sit in judgment on the right and justice of an Act of the Ontario Legislature relating to property and civil rights. That is a question for the exclusive judgment of the Provincial Legislature." As the Minister of Justice finally came to the conclusion that the Act would not have the effect complained of it was not disallowed.

The question of provincial rights thus became a purely party one, and unfortunately was so dealt with in the many matters of controversy which arose between the Dominion and Provincial Governments. The position of parties, so far as Ontario is concerned, has been reversed, and in the case now under consideration a Liberal Minister of Justice is called upon to review the action of a Conservative Provincial Legislature. Mr. Ayles-