

in 1888, which enacts that "notwithstanding any royal prerogative" no appeal shall be brought in any criminal case from any judgment or order of any Court of Canada, to any Court of Appeal or authority by which, in the United Kingdom, appeals to Her Majesty in Council may be heard.

Whilst there exists in the Crown of England a general power of disallowing any Act passed by the Parliament of the Dominion, the Imperial Government has given to the Governor-General in Council the right to review all the Acts passed by the several provincial legislatures, and to disallow, or, in other words, veto them for good and sufficient reasons.(a) That is to say, the Dominion Government now occupies towards the provincial legislatures the same relation which the Imperial Government formerly held towards the provinces before they became parts of the Federation. The exercise of this power has given rise to some controversies between the Dominion and the Provinces on account of the general government having considered it expedient in the public interests to disallow acts which were believed to be within the constitutional jurisdiction of the legislatures that passed them. The British North America Act does not limit the exercise of the power; the Dominion Government may disallow not only an Act which is unconstitutional in whole or in part, but also one that is quite within the competency of the legislature, but is at the same time regarded as injurious on grounds of public policy. Consequently a power, essentially sovereign in its nature, is to be used with great

---

constitution of a general Court of Appeal for Canada, and the peace, order, and good government of the Dominion. In another case, still under the review of the Imperial Government—the Canadian Copyright Act of 1889, which conflicts with imperial legislation on the same subject—the Canadian Government takes the ground that the Canadian Parliament can legislate on all subjects over which it has legislative jurisdiction by section 91, even if in doing so it repeals an imperial statute, applicable to the Dominion, passed previous to 1867, when the Imperial Parliament gave such large powers to Canada. This legislation is subject, of course, to the general power of disallowance possessed by the Crown. See Canadian Sess. Pap. for 1889 and 1890, Criminal Law and Copyright, Bourinot's "Federal Government," p. 39, note.

(a) B.N.A. Act, 1867, §§ 56, 90.