

Act exhausts the whole range of legislation, so that whatever is not thereby given to the provincial legislatures rests with the Parliament of the Dominion. With reference to the distribution of legislative powers between a Provincial Legislature and the Federal Parliament the writer says: "The Canadian statesmen who discussed the terms of the proposed Confederation in the early sixties were close observers of the great struggle then being waged between the north and the south. Believing that the war was the result of the failure of the United States constitution to give to the Federal Government sufficient control over the States, they resolved to establish a strong central authority in the new Confederation. The British North America Act endowed the Federal Parliament with the right to legislate on all subjects not expressly reserved to the provinces. It also gave to the Federal Government the power of vetoing any Act of a Provincial Legislature. In recent years, however, the idea has been favoured that the Federal Government should not veto a provincial Act when such Act is clearly within the sphere of legislation reserved to the province. Under this principle the Federal Government has lately refused to disallow the Ontario Hydro-Electric Power legislation."

It is gradually becoming evident to intelligent observers that this principle, commonly called the doctrine of provincial rights, has seriously impaired the balance between Federal and Provincial powers and destroyed the safeguards against hasty, unrighteous or improvident legislation which the power of disallowance given under the British North America Act was intended to create; and has rendered the section a nullity for the purposes for which it was enacted. It was, in the opinion of the framers of our constitution, a wise and necessary provision, and especially so in provinces where there is no second chamber. The present interpretation of the section confines the power of disallowance to cases where there is a manifest encroachment by a Provincial Legislature upon the jurisdiction of the Dominion Parliament. It is manifest that such a power was unnecessary for such a purpose, and therefore it was not intended for that, but for something else. The Governor-General, to whom the right of dis-