

provision which, either expressly or by necessary implication, operates restrictively in that regard. It is certain that the Act contains no provision which expressly circumscribes the scope of the power. Is there any other provision which, upon a reasonable construction, can be said to produce that result by implication? Apparently the only possible ground upon which to base an argument in favour of an affirmative answer to this question is the circumstance that the power of the Provincial Legislatures to make laws in relation to property and civil rights is declared to be exclusive. Presumably it is upon this circumstance that Mr. Aylesworth and those who agree with him would place their reliance, if required to reconcile their doctrine with the unqualified language of the provision regarding disallowance. It is apprehended, however, that no weight will be attributed to such an argument by anyone who adverts to these facts:—that, in the British North America Act, we are dealing with an organic law which defines the powers and functions of the executive as well as of the legislative departments of the State; that the exclusive quality of the various legislative powers conferred by the section of which the provision with which this article is concerned forms a part is predicated merely with reference to the Dominion Legislature; and that the scope of the powers of the executive officers of the Dominion is defined in a distinct part of the Act. The writer is not aware of any principle of statutory construction which can be adduced as a basis for the contention that a restriction of an executive power conferred in general terms by one provision of such a statute may be deduced by implication from another provision which is concerned merely with the apportionment of the legislative powers between the Parliaments created by the same statute.

(b) The second point to be noted is, that the effect of Mr. Aylesworth's view is to confine the scope of the power of disallowance to a class of cases with which the courts are competent to deal and to remove from its scope a class of cases in which the exercise of the power is the only available remedy. A construction which involves this result can scarcely be deemed