

ington, "we shall pour our legislation into the Senatorial saucer to cool it." Whatever may be said for or against second Chambers, no one denies that they are a brake upon wild and unjust lawmaking. Yet we are to imagine that the framers of the B.N.A. Act, who had resolved to give the Provincial Legislatures less rope than the State Legislatures enjoyed, gave them a great deal more; in fact, left them to do absolutely what they pleased within the bounds of their jurisdiction, untrammelled by Magna Charta or even, as Mr. Justice Riddell has said, by the Ten Commandments.

THE NEW DEPARTURE.

For some time after Confederation the Federal Government disallowed Provincial legislation, not only when it was *ultra vires*, but also when it appeared to be contrary to good morals or in violation of natural justice and private rights. In other instances it called the attention of the Provincial Governments to cases where the Acts were retroactive in their operation or otherwise improper, and counselled them, virtually under threat of disallowance, to alter or repeal them. In this way the Federal authority exercised for 30 years a more or less active supervision over Provincial law-making, but it has now abandoned its veto power, except where an Act is *ultra vires*. That is to say, it now confines itself to a function that is discharged, indirectly, just as well or better by the courts of law, leaving the general interest and all the other higher considerations to their fate, and giving the Legislature an absolutely free hand within its sphere.

The story of the circumstances which led to this partial abandonment of a vital Federal prerogative would take us too far afield. Briefly, the Liberals, when in control of the leading Provincial Legislatures, had urged that disallowance should be strictly confined to such Provincial Acts as were *ultra vires*, and had attacked the Conservative Ministry at Ottawa for disallowing Acts which they deemed objectionable for other and equally important reasons; and, on obtaining control of Federal affairs in 1896, determined, for the sake of being