

lency's government is not in any wise responsible for the principle of the legislation, and, as has been already stated, with regard to an Ontario statute, the proper remedy in such cases lies with the legislature or its constitutional judges."

In the following year the position of Mr. Fitzpatrick with regard to another British Columbia Act which impaired the rights of the parties to an action pending when it was passed was thus defined:

"The undersigned cannot help expressing his disapprobation of measures of this character; but there is a difficulty about Your Excellency in Council giving relief in such cases without affirming a policy which requires Your Excellency's government to put itself to a large extent in the place of the legislature, and judge of the propriety of its acts relating to matters committed by the constitution to the exclusive legislative authority of the Province."

From a dialectic standpoint, the conspicuous weakness of these statements is that they are merely unsupported declarations of constitutional doctrine. Their authors have made no attempt to deal with the considerations antagonistic to the theory which they embody. The effect of an ambiguous clause in an enactment cannot be satisfactorily settled by the mere ipse dixit of any jurist, however eminent. The writer submits that something more than mere dogmatic assertion is requisite to overcome the effect of the considerations adverted to under Subdivision II., and of the adverse expressions of opinion quoted above.

III. Scope of power discussed with reference to considerations of public policy:

The only specific argument of a positive character which Mr. Aylesworth has adduced for the purpose of justifying his theory that a Provincial Act should not be disallowed on the mere ground of its being contrary to natural justice is contained in the following passages of a speech delivered on March 1, 1909, in the House of Commons:

"I entertain in all honesty and sincerity the view that it is of vital consequence to the well-being of this Dominion,