

*I. Scope of power discussed as a matter of statutory construction.*

In a subsequent part of this article we shall have occasion to point out that neither Mr. Aylesworth nor the other Ministers of Justice whose opinion he deems to be correct and binding upon him, have furnished in their reports any affirmative arguments for the doctrine embodied in the above extracts. An inquirer, therefore, who wishes to discuss the soundness of the doctrine with relation to general principles finds himself in the curious position of being unable to obtain from the official documents in which it has been propounded any information respecting the legal conceptions upon which it is based. It is true that, in the debate in the House of Commons on the motion for the production of the papers relating to the Cobalt Lake Case, Mr. Aylesworth justifies his action by invoking a public policy which he declares to be an adequate and decisive reason for refusing to recommend the disallowance of any Provincial statutes except those which deal with matters assigned to the Dominion Legislature. But in an investigation the object of which is to determine the meaning of a specific statutory provision, a vague ground of this description manifestly cannot be regarded as an element which possesses any definite juristic force. Under these circumstances the only course open to the writer is to state the various considerations which in his opinion point to a conclusion different from that which is favoured by the present Minister of Justice and his immediate predecessors in office.

(a) The section of the Act (90), by which the power of disallowance is conferred is entirely unrestricted in its terms. So far, therefore, as this provision itself is concerned, its meaning must be determined with reference to the rule that, if there is nothing to modify, nothing to qualify the language of a statutory clause, it must be construed in the ordinary and natural meaning of the words: Lord Halsbury in *Hampstead v. Cotton*, 12 App. Cas. 6. In this point of view the only admissible inference would seem to be, that the provision should be understood as being applicable to all classes of statutes without any exception whatever, unless the Act contains some other