

interference with vested rights, or the obligations of contract, and he referred to a recent report by the former Minister of Justice, Sir Allen Aylesworth, who held that the Governor General should not be advised to disallow for such reason. The present Minister of Justice apparently does not quite take this broad and, as it seems to us, incorrect and illogical ground.

The result of Sir Allen Aylesworth's ruling (which by the way was quite unnecessary for the determination of the case then before him) was in effect to lay down the rule that there should be no disallowance, except where the Act is *ultra vires* of a provincial legislature. In other words it is making waste paper of the British North America Act so far as disallowance is concerned. We venture to think this view is entirely at variance with the intention of the framers of our constitution, and has probably resulted from the pressure of political expediency.

And further, if a Provincial Act is *ultra vires*, why take the trouble of declaring it to be so? The provisions must, of course, have meant more than that. The written constitution of the United States protects vested interests, but the safeguard intended by the B. N. A. Act to cover the matters referred to by the present Minister of Justice are moribund until some government is strong enough to vitalize the enactment.

The remarks of Mr. Doherty in referring to the general principles involved will be of interest in the history of the exercise of the power of disallowance, and as such it is well to record what he says. His remarks were as follows:—

"It is true, as has been frequently pointed out, that it is very difficult for the government of the Dominion, acting through the Governor General, to review local legislation or consider its qualities upon questions of hardship or injustice to the rig's affected, and this is manifest not only by expressions in reports of the ministers, but also by the fact that but a single instance is cited in which the Governor General has exercised the power upon these grounds alone. The undersigned entertains no doubt however, that the power is constitutionally capable of exercise, and may on occasion be properly invoked for the purpose of preventing, not inconsistently with the public interest, irreparable injustice or undue interference with private rights or