

judiciary in the Supreme Court at Ottawa, the creation of which was provided for, no harm could come to national or private interests from Provincial usurpation. Lest a case arising from doubtful Provincial legislation might not reach the courts till some damage had been done, the Lieutenant-Governor could hang up all such legislation for review at Ottawa; and the Ottawa Ministers had power to disallow, not only the Bills which might be reserved by their own officer, but any others which they found to be *ultra vires* or considered prejudicial to the well-being of Canada. "This power of negative," said Sir John Rose, "this controlling power on the part of the Central Government, is the protection and safeguard of the whole system." All the fathers seem to have believed with him that it would prevent "any assertion of sovereignty on the part of the local governments, as in the United States," and also, as Sir Alexander Galt said, "protect every private interest that could give a satisfactory account of itself."

THE POWER OF DISALLOWANCE.

There is nothing in the parliamentary debates or in the speeches of the Confederation delegates at Quebec and Charlottetown to show it, yet one is obliged from the nature of the case to assume that what the founders had in mind respecting the exercise of the power of disallowance was something like this—that while the courts should decide such technical points as whether an Act of the Provincial Legislature was *intra vires* or not, the Federal Ministers should look more particularly to the probable effect of the Act upon the common welfare. If it was intrinsically unsound from a moral point of view, it could not fail to hurt the country at home and abroad, and should therefore be disallowed; and so if it threatened the public credit by destroying public or private investments without affording compensation. The power of disallowance, in short, was to fill the place, as it were, of the Judiciary in the United States which decides not merely whether an Act of a State Legislature is *intra vires* or not, but also whether it is or is not in accord with the maxims of public policy contained in the Federal constitution as well as in the State constitutions, some