

a decision of a court of competent jurisdiction, by declaring retrospectively that the law always was and is different from that laid down by the court."

Similarly in 1893 Sir John Thompson, in his Report regarding a provision in a Nova Scotia Act which, as was alleged, affected certain rights then in litigation, distinctly recognizes the doctrine that this allegation, if established, would furnish a sufficient ground for the interference of the Dominion authorities.

In the same year Mr. Ouimet, Acting Minister of Justice, remarked with regard to an Ontario enactment then under consideration:

"Assuming the statute to have the effect which the railway company attribute to it, the case would appear to be that of a statute which interferes with vested rights of property, and the obligation of contract, without providing for compensation, and would therefore, in the opinion of the undersigned, furnish sufficient reason for the exercise of the power of disallowance."

The foregoing citations, it will be seen, furnish an ample support for the following admission made by the present Minister of Justice in his recent report:

"There seems to be much ground for the belief that the framers of the British North America Act contemplated, and probably intended, that the power of disallowance should afford to vested interests and the rights of property a safeguard and protection against destructive legislation."

It might naturally be expected that a disputant willing to make a concession which weighs so heavily against his own theory must have in reserve some very decisive authority in favour of that theory. It will be found, however, that this reasonable expectation is not satisfied either by the Report just mentioned or by the speech which he delivered in the House of Commons during the debate on the motion for the production of papers relating to the disallowance of the Act discussed in that Report.

So far as the courts are concerned, it would appear that only a single judicial dictum can be produced in favour of his position.