

The Speaker of the Senate is chosen by the Governor General in Council, the Speaker of the House of Commons by the Members of that House. In the Senate, 15 constitute a quorum, in the House of Commons, 20.

Powers of the Dominion Parliament.—The powers of the Dominion Parliament include all subjects not assigned exclusively to the provincial legislatures. More especially, under Sect. 91, it has exclusive legislative authority in all matters relating to the following: public debt and property; regulation of trade and commerce; raising of money by any mode of taxation; borrowing of money on the public credit; postal service; census and statistics; militia, military and naval service and defence; fixing of and providing for salaries and allowances of the officers of the Government; beacons, buoys and lighthouses; navigation and shipping; quarantine and the establishment and maintenance of marine hospitals; sea-coast and inland fisheries; ferries on an international or interprovincial frontier; currency and coinage; banking, incorporation of banks, and issue of paper money; savings banks; weights and measures; bills of exchange and promissory notes; interest; legal tender; bankruptcy and insolvency; patents of invention and discovery; copyrights; Indians and lands reserved for Indians; naturalization and aliens; marriage and divorce; the criminal law, except the constitution of courts of criminal jurisdiction, but including the procedure in criminal matters; the establishment, maintenance and management of penitentiaries; such classes of subjects as are expressly excepted in the enumeration of the classes of subjects by this Act exclusively assigned to the legislatures of the provinces.

Veto Power.—Under Sect. 56, it is provided that Acts of the Dominion Parliament, after receiving the assent of the Governor General, may within two years be disallowed by the Sovereign in Council. Similarly Acts of a provincial legislature, after receiving the assent of the Lieutenant-Governor, may be disallowed within one year by the Governor General in Council.*

This veto power on Dominion legislation has practically never been exercised by the Sovereign in Council. In the case of controversies between the Dominion and the provinces, while the veto power has been exercised in the past, the present tendency is to let the matter be decided by the courts rather than disallow by executive act legislation duly passed by the elected representatives of the people in the provincial legislatures. The argument is that if such legislation is annulled as *ultra vires* of the provincial legislature, then the Dominion Government, an executive body, has made itself judge in its own case, and the matter could be more properly decided by the courts; if legislation, admittedly *intra vires* of the provincial legislature, is annulled, on the ground of its immorality or unwisdom, then the annulling power has set itself up as an authority on morality and wisdom. The Dominion Minister of Justice, in 1909, on the question of disallowing the Ontario legislation with respect to the Hydro-Electric Power Commission, stated the case as follows:—

“In the opinion of the undersigned, a suggestion of the abuse of power, even so as to amount to practical confiscation of property, or that the exercise of a power has been unwise or indiscreet, should appeal to your Excellency’s government with no more effect than it does to the ordinary tribunals, and the remedy in such case is an appeal to those by whom the legislature is elected.”

* This right has only been exercised in one rather technical case. In 1873 an Act of the Dominion Parliament empowered any committee of the Senate or House of Commons to examine witnesses upon oath when so authorized by resolution. “There was a confusion of opinion as to the competency of Parliament to enact it. The law officers of the United Kingdom eventually advised that the Act was *ultra vires*, and it was accordingly disallowed for that reason and not upon considerations of policy.”—Borden, *Canadian Constitutional Studies*, p. 65.