

these Bills was, according to the 92nd section of the British North America Act, which gave executive power, competence, and jurisdiction of the Provincial Legislature; and by advising your sanction to this reservation, His Excellency's advisers have withheld from a large class of Her Majesty's subjects rights and privileges to which they were entitled in the opinion of this House, and have inflicted a serious blow upon the power and authority of the Legislature of Ontario."

Mr. BETHUNE said that when the Bill was before the House last session, he did not see any reason why it should not be passed through the House almost without discussion, and why so large and respectable a portion of the community as the Orange body should not enjoy that right which was granted to all societies that were not illegal. Measures of the character and class of the one in question should not have been discussed with the warmth and amidst the excitement which characterized the discussion of this Bill. He was aware at the time that difficulties might be found of no ordinary character in procuring the assent of the Crown and passing these Bills into law. He was aware at the time, in common with every gentleman in that Chamber, and with everybody, he dare say, out of it, that the Bill, when passed by that Legislature, did not become law until sanctioned by the representative of the Crown. Every person, of course, was aware that under the British Constitution the Crown was, in theory, the fountain of all laws, and supreme over all the British Empire. Our very statutes began with statement that Her Majesty, by and with the advice of the Assembly, enacted as follows. For the purpose of preserving the unity of the Empire, from the earliest time instructions had been given from time to time to the various Governors of the Colonies, and these instructions were given for the purpose of asserting the control the Imperial Government and the Sovereign should maintain over the legislation of the Colonies. Certain instructions were given to Lord Monck in accordance with this policy, and the Governor-General was not at liberty to disregard those instructions. Prominent among these instructions, which would be found in the sessional papers of the Dominion, would be found the following:—"That the Governor-General of British North America is not to assent to any Bill which is of the following character, but is to reserve any Bill of that character for the special signification of Her Majesty's pleasure." He found that amongst the class of Bills which were required to be reserved for the special signification of Her Majesty's pleasure, in sub-section eight of section seven of the instructions, were "Bills containing provisions to which our (the Queen's) assent has been once refused." If these Bills had come up in the Dominion Parliament, it clearly would have been the duty of the Governor-General to have reserved them for Her Majesty's pleasure, there being no pressing necessity for their passage, because Royal Assent had once been refused to a similar Bill. There could be no doubt that, in accordance with the oath the Governor-General had taken for the proper discharge of his duty, he would have reserved those Bills if they had gone through the two Dominion Houses of Parliament, for the special signification of Her Majesty's pleasure. They would find, looking at the Confederation Act, that by 8, Section 90, the provisions relating to the disallowance of Acts for the signification of Her Majesty's pleasure were to apply to Legislatures of the Provinces, with the substitution of Governor-General for the Queen and the Lieut.-Governor for the Governor. Therefore the Governor-General occupied the same position with regard to Legislatures of the Provinces as did Her Majesty with regard to the Dominion Legislature. The instructions to which he had referred were included as a part of the constitutional law of the land, and there could be no doubt in the matter, if the Lieut.-Governor was aware that the Bill had been once disallowed, it was his duty as a matter of law to reserve that Bill for the signification of the pleasure of the Governor-General. Hon. gentlemen might say no instructions were given to the Lieutenant-Governor of Ontario, but he (Mr. Bethune) happened to have examined the Commission, which spoke of certain instructions, and there could be no question, as a matter of law on this point, that these instructions could not controvert the Imperial instructions. The 6th clause of the commission of the Governor-General gave him power to exercise from time to time all the powers belonging to Her Majesty in respect to the assembling and proroguing of Parliament, and it also gave the

same powers to the Lieutenant Governors with regard to the Legislative Assemblies and Councils. The Lieutenant-Governor had to come down at the close of the session to assent to the Bills which had been passed, and he (Mr. Bethune) would ask any fair-minded gentleman whether there was any other course open to the Lieutenant-Governor, he having been told that a similar Bill had been disallowed by the Imperial Government, having read the instructions, and having read the British North America Act, than to reserve these Bills. He would ask any fair-minded gentleman whether it was incumbent upon the Lieutenant-Governor, were he ever so much inclined, to pass these Bills. As a matter of duty, and as a matter of law, he was compelled to reserve them. He (Mr. Bethune) would be sorry to say Sir John A. Macdonald was so far wanting in the discharge of his duty, from 1857 to the present time, as to have forgotten what was due to his position, and forwarded the Lieutenant-Governor no instructions. But in truth it would be held that the instructions to which he had referred were applicable to the Lieutenant-Governor. A good deal had been said by his hon. friend from North York, and he had made an attack upon the hon. member for South Grenville. During the debate last session, he (Mr. Bethune) did not understand his hon. friend from South Grenville to make any attack upon the institution in question, and he did not think he said a single word that could offend the most ultra Protestant. He (Mr. Bethune) did not think the cause of Protestantism would be promoted by any such appeals as that made by his hon. friend who had just taken his seat; nor would the cause he was then advocating be promoted by the terms he had used. He (Mr. Bethune) urged upon the House the necessity of regarding the question from a semi-judicial standpoint. The amendment was in condemnation of the Ministry for performing a judicial duty. Every member of the Ministry was sworn to do his duty to the best of his ability, and he would be sorry to find five or six gentlemen, whether they belonged to that or the other side of the House, guilty of the breach of faith with which they had been charged, namely, with having for culpable and improper motives chosen to reserve a measure of this kind. Such was the charge, and he hoped the time would come when such charges would not be made, except upon strong foundations. He would ask what would be the opinion formed by strangers coming to the House, when they heard gentlemen discharging important trusts charged with being guilty, not only of hypocrisy, but of perjury? He was sure that if his hon. friend from North York had taken the trouble to make enquiries before preferring the charge, he would not have made it. The question now was whether these gentlemen were open to censure for have acted upon the instructions given in England for the guidance of colonial Governors. He thought there was not a gentleman on either side of the House who would not come to the conclusion unhesitatingly, that they had done no wrong in acting upon the spirit of these instructions. If any person was the wrong-doer, it was the gentleman who led the late Conservative party, because they found it was the intention of the British North America Act that the Bill should be referred to the Governor-General to say whether it should become law or not. He (Sir John A. Macdonald) did not say in express terms that it should not become law—he said, simply, it is none of our business, with an utter disregard of his own duty. Hon. gentlemen, it seemed to him, should have hidden their heads in shame on the commission of that breach of duty on the part of their chief, for it was nothing else. Sir John A. Macdonald knew that by returning that Bill it could not become law, because it had to be assented to by the Crown in the presence of the Legislative Assembly. It was the duty of Sir John A. Macdonald to have advised His Excellency to assent to the Bills, and therefore upon him rested the responsibility of the disallowance of the Bills. He (Mr. Bethune) had a better right of complaint at the disallowance of the Bill than the hon. member for North York, he (Mr. Bethune) having supported it throughout all the stages, and having been anxious that it should carry, while the honourable member for North York would be found to have opposed them at every stage, except one, and that was when it came from the Committee. With what fairness could the hon. member for North York expect hon. gentlemen to believe his indignation was real,