

Respecting the highway and bridges over the Desjardins Canal.

ORANGE INCORPORATION.

Mr. DEACON moved the second reading of the Bill for the incorporation of the Loyal Orange Association of Western Ontario.

Hon. Mr. MOWAT reminded the hon. member that the policy of the Government on this question had already been stated, and he suggested that the hon. member should leave his motion until there was more time to discuss it.

Mr. DEACON said he would like to know whether it was the intention of the Attorney-General to offer any opposition to the Bill.

Hon. Mr. MOWAT said he was in favour of the incorporation of these Associations, but he thought it should be under the general provision for the incorporation of such Societies.

Mr. DEACON said if the Government were opposed to the Bill, they should vote it down without discussion.

Hon. Mr. MOWAT said it would be the duty of the Government to deal with the question with all the attention which courtesy demanded.

Mr. DEACON said the mere fact of voting down the Bill would be taken as no discourtesy. The question had already been sufficiently discussed.

Mr. CAMERON said he was not willing to give a silent vote upon this question, for he thought there never was a graver matter before the House in the course of the history of this country than this.

Hon. Mr. MOWAT said the House was aware that the Government had proposed a certain kind of legislation during the present session, and the course they had indicated was in the direction of dispensing with the necessity of private legislation as much as possible. This was a course which was equally applicable to the Orange Bills as to any others. It would be remembered that a Bill for the incorporation of the Orange associations was brought into the Legislature of the late province of Canada in 1858 or 1859; that after considerable discussion the motion for the rejection of the Bills was made by some hon. member who was opposed to them, even, he thought, at an earlier stage than the Bill now under discussion had reached; that the vote upon the question was not a party one, he (Mr. Mowat) and his friends supporting the Bill in common with Sir John Macdonald and some of his friends; and that the supporters of the measure were out-voted and the Bills did not become law. Until last session no similar Bills were introduced either into the Legislature of old Canada, the Dominion Legislature, or the Legislature of the Province of Ontario. The bodies to whom these Bills related had always a very large political influence in the late Parliament of Canada and in this Parliament; in fact the Government of which his hon. friend opposite (Mr. Cameron) was a member, could not have existed for a day but for the support of these bodies. However, no such Bills were introduced during the time they held office, and until last session no such Bills were introduced. The Bills of last session were the subject of much acrimonious discussion. While, on the one hand, they were supported with great energy and zeal by those who advocated them, some of those advocates being members of the society, and others not being members—they were also opposed by a number of gentlemen. They excited a great deal of feeling in the country among those whom they were intended to incorporate, and also a feeling of a very opposite kind on the part of another large portion of the community. The sensitiveness with which they had been insisted on upon the one hand, and resisted on the other, seemed to him to have no sufficient foundation. Looking, as he did, from an outside point of view, it seemed to him that any person not belonging to either of the two parties referred to, and having no reason to profess any feeling in regard to them, could hardly regard them as Bills about which there should be any anxiety or bad feeling excited. When the Bills were passing through this Legislature he had supported them. After they received the third reading, the question came up for consideration what the duty of the Government was as to recommending them for the sanction of the Lieutenant-Governor. For his own part he was placing them as being of the same character and to be regarded in the same way as other Bills, but a point was raised to the effect that they must be dealt with differently; that point deserved his best consideration, and it received that consideration. The Confederation Act provided that the Lieutenant-Governor should have the

same part to perform in regard to assenting to Bills and refusing to assent to them, which is performed by the Governor-General. The Lieutenant-Governor, in his commission, was referred to instructions which were to accompany the commission, and from which he was to learn what course he was to pursue in discharging the duties and exercising the powers which the commission assigned to him. These instructions, however, were never sent. It was, however, a settled principle on which all Governors under British authority had acted, that bills of an unusual character, or which had been rejected by the Imperial Government, or had received the disapprobation of the Imperial authorities, should be reserved. The result of that was, that as no instructions had been given with regard to the duties of the Lieutenant-Governor, the Lieutenant-Governor of this Province was obliged to follow whatever precedents there were bearing upon the particular subjects which from time to time they had to deal with. The usual course of the Governor, when the course of his proceedings had not been determined by any express terms in the Statute of Confederation or any communication from the Imperial authorities, has been the usage of the late Lieutenant-Governors under the former system; and these precedents were of such a nature that it was plain that the duty of the Lieutenant-Governor, and the duty of his advisers, as well as according to the spirit of the British Constitution—these precedents and the spirit of the Constitution being binding upon him in the absence of statutory enactment—was clearly to reserve those Bills for the signification of Her Majesty's pleasure. If these Bills had been passed in the Dominion House and submitted to the Governor-General it would have clearly been his duty to reserve them, and it would be quite absurd to suppose that the Lieutenant-Governor had larger power and more unrestricted authority than the Governor-General. Having reference to the terms of the Confederation Act, and the invariable practice of the British Constitution, it followed in regard to this Bill, which it was required should be reserved for the higher authority to assent to it, or dissent from it, that the course which would have to be pursued was its reservation. He might refer to a similar Bill in Prince Edward Island, passed in 1872, which having been sent to England for the Royal assent, was there rejected in terms which showed that the Imperial policy was adverse to granting incorporation to such associations. There was no reason why the policy approved of for one Province of the Empire should not be applicable to another. It was the duty of the Government to see that a constitutional course was taken by the Lieutenant-Governor, and it did not seem to him that the course which they thought it necessary to advise should be either embarrassing to the Dominion Government or regarded as unfavourable to those who were interested in these Associations. It ought not to have been embarrassing to the Dominion Government, because in any case they had to deal with these Bills. If the Imperial policy was against such Bills—and clearly Imperial policy had so been—it would have been necessary for them to disallow them; and, on the other hand, if the policy was not against allowance, all that they had to do was to advise the Governor-General to assent to them. If this Government had passed these Bills and sanctioned them without instructions from the Dominion Government, and these authorities had afterwards disallowed them, much embarrassment would have arisen to those persons interested in these associations. They would have been incorporated for a few months, and then they would find that all their proceedings were void. The course taken ought to have been regarded favourably both by the Dominion Government and these Associations. An attempt had been made, attended with some amount of success, to give a different construction to the conduct of the Government, but that was neither correct nor logical. The true construction was that which he had indicated. Assuming, as he had done, and as he was still prepared to do, that these societies were entitled to the advantages of incorporation, the Government proposed a scheme by which all such associations should be able to obtain incorporation—one which recommended itself to those interested in these associations, as well as all others. Why should not these associations be willing to accept incorporation under the general law? The advantages they would derive under the general law would be precisely the same as those they could have under a special Act. The general law would have been passed before this time but for the fact that the promoters of those Bills had requested him to leave it over in order that some amendments