

since their last meeting.

Mr. MOWAT, on rising, expressed his entire concurrence in the observations of the leader of the Opposition in regard to certain members of the House who had died since they were last convened, and also in regard to the expressions of sympathy for the late President of the neighbouring Republic. Coming to the charge that the Government sought to make political capital out of some of the matters mentioned in the Speech, he said they desired only to make that political capital which came from the adoption and operation of good laws and good government. (Applause.) The leader of the Opposition expressed surprise that the fiscal policy of the country was not recognized in the Speech as one of the causes of prosperity, but he (Mr. Mowat) ventured to say that he would have been more surprised if any such reference had been made as he seemed to expect. It might and it might not be that some of the present prosperity was owing to that policy, but he had no hesitation in saying that a great deal of the prosperity which was ascribed to the operation of protection was due to altogether different causes. On the question of the new Parliament buildings, and the fears expressed by hon. gentlemen opposite that the amount asked for would be insufficient for the purpose, he reminded the House that when the sum of \$500,000 was asked for by the Government for the buildings, it was only after having consulted their engineer and architect, who gave their opinion that that sum would be sufficient. Since that time labour and material had advanced in price, and if it was found that the buildings would cost a greater sum than that already voted, the Government would have to ask the House for the amount in the event of the work being proceeded with. In any case, the erection of new buildings was an urgent necessity, and they could not long be delayed by any Government. The leader of the Opposition, referring to the recent timber sales, had suggested placing some restriction upon the power of the Government to dispose of large and valuable properties belonging to the Crown without having first received the sanction of Parliament. That power had been on the statute book for many years, and its exercise had been found to be beneficial. In the present instance the wisdom of this provision was manifest. At the last session of the House the circumstances which subsequently led to such a successful sale of timber limits did not exist, and the Government, therefore, not having determined upon placing the timber in the market, made no announcement in reference to it. Referring to the remarks made by the last speaker about the oversight of the Government in not providing for the relief of the sufferers in Muskoka and other districts devastated by fire, he said that the Government had not been at all insensible to what might be its duty in that regard. Serious fires prevailed, not merely in Muskoka, but in other parts of the country, and applications were made to the Government from various parts for large aid to those whose property had been destroyed. It was found that to grant all the aid asked for would involve a sum entirely beyond what they would be justified in advancing without the concurrence of the House. When, however, the exceptional case of Muskoka was brought to their notice they took steps to ascertain to what extent the distress prevailed, and it was found that a considerable sum of money, the result of private contributions, was still in the hands of the parties who had charge of the distribution of the relief. The Government thought, however, that in this particular instance they would be justified in making such an advance as might be required to prevent distress until the meeting of the House, and they had taken the responsibility of doing so. (Cheers.) He forebore from making the matter public because they were afraid that it would diminish the amount of private contributions, which no amount of Government aid was ever intended to entirely supplant. On the question of escheated property mentioned in the Speech it was far from being the intention of the Government to sneer at the decision given by the judges of the Supreme Court. It was customary wherever a system of government prevails similar to our own that all leading events which have occurred since the last session of the Legislature should be mentioned in the Speech from the Throne, and it was for that reason alone that this matter was referred to. He had confidence that that decision would yet be obtained in favour of Ontario, and his confidence was founded upon the fact that they had the unanimous judgment of the highest Courts in Ontario and Quebec, and that of the Chief Justice and the senior judge of the Supreme Court itself. It was to be hoped that ultimately the opinion of those two judges, concurred in by that of the two Courts already mentioned, would be in accordance with the decision which the supreme tribunal will pronounce. He pointed out that on the question of the Streams Bill the measure which it was proposed to substitute for the Act which was disallowed was a most impracticable one. The Government thought it more reasonable that the use of the streams should be paid for by those to whom they were of value; and they held that their method of compensating the owners was far more reasonable than that by which it was proposed to purchase all the improvements and riparian rights of the various private parties having an interest in those streams. But whether or not this mode of dealing with the question were a just one, there was no doubt that the ground on which it was disallowed was this matter of compensation. The question then was whether or not it was a defensible proceeding for the Dominion Government to disallow an Act because the mode of compensation was not such as the Minister of Justice approved of. The B. N. A. Act gave the Provincial Legislatures jurisdiction in all matters such as that now in question. The legal right of the Dominion Government to disallow any Act of the Provincial Legislature no one would deny. The Queen in Council had also the power to disallow any Act of the Dominion Government, and no one would say that this Act would have been disallowed if the reference had been made to the Queen in Council instead of to the Governor-General. Whilst it was thought to be necessary in framing the Confederation scheme that the power of disallowance should be retained, the question still remained whether the power of disallowing a Provincial Act should, like a Dominion Act, be vested in the Queen or the Governor-General. Now it seemed that the question of Downing-street interference was less to be feared than interference at Ottawa. They had no Provincial independence or authority at all.

The Minister of Justice, according to this new theory, had a larger power than they themselves possessed. They might pass an Act supported by a large majority of the Provincial Legislature, and it might be disallowed by the Minister of Justice, a man who, perhaps, knew nothing about the details of the measure or the evils which it was framed to remedy. The Premier himself, when called upon, laid down the following principles on which he was of opinion that the power of disallowance should be exercised:—(1) When the Act is altogether illegal or unconstitutional, (2) when illegal or unconstitutional in part, (3) in cases of concurrent jurisdiction as clashing with the legislation of the General Parliament, (4) when it affects the interests of the Dominion Parliament. He proceeded at length to show that the Act in question did not come under any of the heads mentioned by the Premier in his memorandum. Reference had been made to the disallowance of some bills by Liberal Governments at Ottawa. There were such cases, but they fell within the four classes enumerated by Sir John Macdonald in his memorandum, and no Act of Provincial legislation had been disallowed by a Liberal Government which did not fall within these classes.

Mr. MORRIS—I shall cite a case in which they did.

Mr. MOWAT—I defy the hon. gentleman to cite a single case.

Mr. MORRIS—I shall cite a case after a while.

Mr. MOWAT, continuing, said that, after a most careful research, he failed to find any such case. There were bills reserved by the Lieutenant-Governor of a Province, or upon the advice of his advisers, for Federal consideration. In such cases, he supposed, the Federal Government would have to consider them as provided by the British North America Act. Mr. Blake, when Minister of Justice, although disapproving of some Acts, did not disallow them, because they were within Provincial jurisdiction. When the Orange Bill was reserved and transmitted to Ottawa Sir John Macdonald laid it down as a principle that the Government was not even bound to consider its utility, but that the Bill having been reserved ought to be disallowed. His hon. friend referred to the taking away of the civil rights of the Catholic minority, but no apprehension was felt in that direction, and if there was he did not believe that the people of Ontario would have more confidence in the Dominion Government than in the Government they themselves placed in power. (Applause.) With reference to the boundary award, he submitted that the course of the Dominion Government was not only one which would justify a vigorous protest on the part of the Ontario Government, but he failed to see how any other course could be decently taken. (Hear, hear.) He recalled the history of the boundary question, pointing out that the only ground upon which the Dominion Government justified its claim to the territory of the Hudson Bay Company was that it belonged to the old Province of Canada. It was solely on that contention that a territory of 1,300,000 square miles was given over to the Dominion. Though having obtained this large amount of land through the instrumentality of Ontario's claim, what was given to Ontario by the award? Only 100,000 square miles, or one-thirteenth part, was awarded to Ontario, and still the Dominion Government meanly refused to recognize their right to that small amount of the disputed territory. (Hear, hear.) An award on an arbitration between two Governments certainly required legislation on the part of each to make it law. It was the duty of the Dominion Parliament to have sanctioned that award. There was no precedent for any other course. What course had the Ottawa Government taken? They had not even tried to get Parliament to sanction the award. During the last session the leader himself declared that no court of law would have reached such a conclusion as the arbitrators reached, and proceeded deliberately, and in spite of our solemn protest, to hand over a part of the disputed territory to another Province. The result was a state of wild disorder in that portion of Ontario. His hon. friend had spoken of arousing public feeling in the matter. But the disputed territory comprised about one-half of the whole Province, and if anything was calculated to arouse public feeling and public interest it was the effort to take away wrongfully from this Province the territory awarded to it. (Applause.) According to its reputed boundary the extent of Ontario was but 100,000 square miles, and one would despair of a people if they did not think this matter of sufficient importance to excite their greatest interest. There were numberless evils arising from the present condition of affairs, and there would be no end to litigation with reference to Crown land patents issued before the conventional agreement in 1874 and before Confederation, which were not provided for at all. The cry of jealousy on the part of the smaller Provinces was an empty one, for although the ratification of the award would be to give Ontario an area of about 200,000 square miles, what was the extent of the other Provinces? British Columbia, admitted after Confederation, had a territory equal to 390,000 square miles; Keewatin was still about 250,000 square miles; Quebec possessed more than 195,000 square miles; and Manitoba, with the disputed territory, will have 154,000 square miles. So that there was no cause for alarm or complaint on the part of the other Provinces. What was the cause of all this difficulty? It was that the head of the present Government at Ottawa had declared that his object was to compel us to abandon the awarded boundaries. (Hear, hear.) The people of Ontario will not consent to be compelled to abandon their rights in this matter. (Applause.) Hon. gentlemen talked of appealing to the Imperial Privy Council, but why should they incur that expense? Mr. MEREDITH—How is the hon. gentleman going to settle the matter? Mr. MOWAT said that he had such confidence in the good sense of the people as to hope that before long another Parliament would render litigation in the matter unnecessary. (Hear, hear.) Mr. MEREDITH—Will you not have to get Manitoba's consent? Mr. MOWAT thought that as matters stood now Manitoba would consent. Mr. MEREDITH—Have you applied to Manitoba for their consent to give up the land? Mr. MOWAT said that the Government had considered that, but it was thought absurd to have