merely a collection in one paper of the law on the subject to prevent misunderstanding. No one could fairly argue that according to the spirit of the B. N. A. Act and the spirit of the Constitution any such power was given to the Dominion Government. It would be found, on reading the Constitution, that the section which governs the subject matter of the Streams Bill gives Ontario the exclusive right to legislate upon such a matter. On turning to another section of the Act it would be found that the right is taken away from the Dominion Parliament to deal with the subject matter of this Bill now under discussion. That being the case, was it possible to suppose that the framers of that Act first gave the Ontario Legislature

THE EXCLUSIVE RIGHT

to deal with this question and took away the power of the Dominion Parliament to deal with it, and subsequently in the same Act gave the Dominion Government the power to disallow the Bill? Section 56 of the B. N. A. Act, which provides for the disallowance of Dominion legislation by the Imperial Government, is the only section in the Act relating to the question of disallowance at all, and is the section which authorizes the disallowance of Provincial legislation by the Dominion Government. It will be noticed that there is no separate or other section on this subject, but by Section 90 of the Act Section 56 is made to govern the question of disallowance between the Dominion and the Provinces, merely reducing the time from two years to one. It was not pretended that the Imperial Government would have the right to disallow measures enacted by the Dominion Government simply because they disapproved of them upon their merits. It was conceded that that time had long since passed away. No disallowance had taken place by the Imperial Government of legislation enacted by a colonial legislature having representative and responsible government unless such legislation was contrary to law or interfered with Imperial interests. If it was true—and hon. gentlemen opposite admitted it—that the Imperial Government could not constitutionally disallow an Act similar to the Streams Act if passed by the Dominion Parliament, then as the section in the British North America Act as to disallowance between the Imperial and the Dominion Governments and the Dominion and the Provinces was one and the same section, they were forced to put the same construction of law upon the power of disallowance. (Cheers.) It was laid down in the memorandum which Sir John Macdonald prepared in 1868 that no Provincial legislation could be disallowed unless it was in whole or in part illegal, or unless it clashed with Dominion legislation, or was detrimental to the interests of the Dominion as a whole. Sir John went further, and said that even in those cases where the legislation was wholly or in part beyond Provincial jurisdiction, no disallowance should take place until the Government of the Province had received due notice and been afforded full opportunity of showing cause why the measure should not be disallowed; and in case a decision to disallow was come to, the Provincial Government should be offered an opportunity of amending or repealing the objectionable Act. In this case there was no pretence that any notice was given, and the first intimation the Government had on the subject was through the *Mail* newspaper, unless indeed it might be said that a statement made by a certain gentleman at Osgoode Hall was notice; and here it would be seen that the Dominion Government, in the face of the rule so clearly laid down by Sir John Macdonald, thought it consistent with their dignity and duty to impart information in an important State matter between the Dominion and the Province to a solicitor in a cause before they even communicated to the Province the fact that the subject of disallowance was under discussion. The leader of the Opposition had asked what difference it would have made supposing the notice had been given? Perhaps it would not have made any difference. He feared that the fact of the person who had given such opposition to the Bill when it was before this House being so

RICH AND POWERFUL A SUPPORTER

of the Ottawa Government, and the further fact that his solicitor was likewise one of the ablest and strongest friends of that Government, would have outweighed and overridden any protest, however strong, that could have been made by this Government. But the fact that no notice had been given naturally and reasonably created a suspicion that there was fear on the part of the Ottawa Government that if this Government had been afforded an opportunity they would have presented such reasons and arguments as would have prevented disallowance, and the question was forced upon their consideration, were there party purposes and party interests to serve? If the people of this country once saw that the exercise of the veto depended upon the amount of party pressure any one who thought themselves aggrieved could bring to bear, then, he declared, Confederation was not worth ten years' purchase. (Applause.) Hon. gentlemen opposite ought to take the same comprehensive view of the question as was taken on his side of the House. Some time in the distant future hon. gentlemen opposite might occupy seats to the right of the Speaker in this House, and no doubt the present Government at Ottawa would not always occupy their present position, and there would be a Liberal Government there. If all Acts of the nature of the one in question could be disallowed upon a consideration of their merits, or because the Dominion Government somewhat disagreed from their provisions, there was great danger of dissatisfaction and distrust arising among the people; if upon this question of disallowance everything depended upon party influence brought to bear upon the Ottawa Government, and would certainly have the effect at no distant day of shattering, and eventually destroying, our federal system. Hon. gentlemen would be acting in a patriotic manner if they would on this grave issue lay aside party and join with the Liberals on this side of the House in their endeavour to try and establish the rights of the Province upon a clearly defined, legal, and constitutional basis. The past action and record of hon. gentlemen's leader at Ottawa proved conclusively that he never claimed or considered that the Dominion Government had the right or power to disallow measures that were within our competency and jurisdiction to pass. It would be recollected that bills relating to the Orange societies were passed by this Legislature in the year 1873, which bills were reserved by the Lieutenant-Governor for the consideration of His Excellency the Governor-General in Council. What did Sir John Macdonald say in his report to the Governor-General upon these bills? He would quote from Sir John's own words in that report, which were as follows:—"If these Acts should again be passed the Lieutenant-Governor should consider himself bound to deal with them at once, and not ask Your Excellency to interfere in

MATTERS OF PROVINCIAL CONCERN,

and solely and entirely within the jurisdiction and competence of the Legislature." Here it would be seen that Sir John not only considered, but in effect protested, that His Excellency should not even be asked to intervene in matters that were solely and entirely within the competence and jurisdiction of this Legislature. If, then, His Excellency ought not to be asked to intervene in such matters *a fortiori* he ought not to intervene when not asked. (Applause.) In another somewhat celebrated case the Legislature some years ago passed a bill in relation to the Goodhue estate which, it was alleged by many, charged that gentleman's will. An appeal was made to Ottawa to have it disallowed, but Sir John Macdonald, who was then Minister of Justice, though not agreeing with the Act, refused to disallow it, upon the ground that the subject matter was within the competence and jurisdiction of this Legislature. Other cases might also be cited, showing that not only Sir John Macdonald when he was Minister of Justice, but other Ministers of Justice, invariably adopted this rule, which is certainly the only constitutional one. Hon. gentleman opposite argued as if the rights of Ontario were diminished by Confederation. He would ask them if they thought Ontario had the same rights with respect to freedom of legislation as existed in the old Province of Canada. He understood hon. gentlemen to say that these rights were diminished.

Mr. MEREDITH—Hear, hear.

Mr. PARDEE said he was not sorry that his hon. friend took this view, as he contended and would be able to prove that we have the same rights as existed in the old Province of Canada prior to Confederation.

Mr. MEREDITH—That was not the view of the Reform leaders at the time of Confederation.

Mr. FRASER—Yes it was.

Mr. PARDEE, continuing, said hon. gentleman contended that the debates on the Quebec Resolutions showed that our leaders had took a different view at that time. He had read these debates, and he found nothing in them but what showed clearly that the right of veto should only be exercised in a constitutional manner. (Cheers.) If hon. gentlemen would read the debates on these Resolutions in the light of constitutional law they would see that there was no intention of claiming an arbitrary power of disallowance under the veto section. The disallowance must rest upon constitutional rules and practice, and not on mere caprice or because in the judgment of the Minister of Justice the Act was a bad one. In the course of his speech during the Confederation debates Sir John Macdonald said on this subject:—"The General Government assumes towards the Local Governments precisely the same position as the Imperial Government holds with respect to each of the Colonies now." (Applause). Mr. Todd in his recent work on Parliamentary Government, speaking as to the rule of law prevailing between the Imperial and Colonial Legislatures, says:—"This supreme legislative authority is subject, of course, to the paramount supremacy of the Imperial Parliament over all minor and subordinate legislatures within the Empire. The functions of control exercisable by the Imperial Legislature are practically restrained, however, by the operation of certain constitutional principles hereafter to be considered. It may suffice to observe that the right of local self-government conceded to all British Colonies, wherein representative institutions have been introduced, confers upon the Local Legislature with the cooperation and consent of the Crown, as an integral part of such institutions, ample and unreserved powers to deliberate and determine absolutely in regard to all matters of local concern." (Applause.) Hon. gentlemen might say that this only applied in matters between the Imperial Government and Colonial Legislatures, but he proposed to show that the same rule of constitutional law applied to matters between the Dominion Parliament and the Provincial Legislatures. Mr. Todd went on to say:—"In deciding upon the validity or expediency of provincial enactments the Governor-General in Council has

NO ARBITRARY DISCRETION.

The decision of the Dominion Government upon all such questions must be in conformity with the letter and spirit of the British North America Act. That statute has been correctly termed 'the great charter of our Constitution.' It recognizes and guarantees to every Province in the Confederation the right of local self-government in all cases within the competence of the Provincial authorities. And it does not contemplate or justify any interference with the exclusive powers which it entrusts to the Legislatures of the several Provinces." And again, Mr. Todd said:—"The principle is affirmed that no interposition to the detriment in any degree to the principle of self-government in matters of local concern would be permitted or approved, whether on the part of the Imperial or Dominion Government, in their several and appropriate spheres of action, in matters within the acknowledged competence of either tribunal. This broad principle admits of but one exception, viz., a reserve right of interference by the Crown itself under exceptional and undefinable circumstances, and as a last resort, or at the formal request of the particular Governments concerned." He said he had promised the House that he would show by the best constitutional authority that our rights had not been affected or diminished by Confederation, and he would again quote from Mr. Todd on that point. He read as follows from that gentleman's latest work on "Parliamentary Government in the British Colonies":—"We must nevertheless admit that the rights of local self-government heretofore conceded to the several Provinces are not in any wise impaired by their having entered into a federal compact, and that no infringement upon those rights, which would be at variance with constitutional usage or with the principle of action previously enjoyed by the Pro-