vince when under the direct control of the Imperial Government, would be justifiable on the part of the Dominion Executive." (Cheers.)

Mr. MEREDITH—It was not Ontario that entered into Confederation.

Mr. PARDEE replied by asking if the present Provinces of Ontario and Quebec, formerly constituting the old Province of Canada, did not enter into Confederation. He asked if the hon. gentleman undertook to prove by such technical reasoning that Ontario's rights were diminished. He was quite sure that when the leader of the Opposition came to consider that interjection of his he would not think it a good defence, and would not argue against the position which he (Mr. Pardee) had taken. He now thought he had clearly shown to the House that according to the B. N. A. Act, which was our Constitution, and according to the highest authorities on the relations between the Dominion and the Provinces, the Dominion had no right to disallow Bills that were within the competency of this House to pass. He then proceeded to consider the excuses, not reasons, as they were not worthy of that name, given by the Dominion Government in attempting to justify the disallowance of the Act. Would any one say they were reasons? They were the result of a laboured attempt on the part of the Minister of Justice to make some semblance of justification for his action. One excuse was that the legislation was retroactive, and interfered with a suit then pending. Would any hon. gentleman pretend to say that they had not the right within proper limits to pass retroactive legislation? But the Government of Sir John had not always adhered to this rule, and if not, then they must come to the conclusion that there was some motive that impelled the Government at Ottawa to disallow this Bill other than a proper one. He would be able to show that when there was a Government here in sympathy with the Government at Ottawa this rule was thrown to the winds, and legislation that was retroactive and that affected pending litigation was allowed to go into force at Ottawa.

A CASE IN POINT.

He instanced the legislation relative to a former registrar of the county of Bruce. It would be recollected that the registrar in question was dismissed by the late Sandfield Macdonald. The registrar contended that such dismissal was illegal, and that the Government had not the power to make it, and brought his case and contention into the Court of Queen's Bench. The Court decided that the dismissal was illegal, and that the office of the registrar was a franchise to be held during the good behaviour of the occupant. Under this decision the registrar was virtually reinstated in his office. The case was taken to the Court of Appeal, and while it was pending, and before any decision could be arrived at by that Court, the Legislature, led by the late Sandfield Macdonald, passed a law which provided that "every registrar heretofore appointed or hereafter to be appointed shall hold office during pleasure only." So they had here a case of the clearest and broadest kind of retroactive legislation while a suit was in progress before the Court, and yet the measure was not disallowed by the Dominion Government.

Mr. MEREDITH—Does the hon. gentleman say that it was brought to the attention of the Dominion Government?

Mr. PARDEE asked if the hon. gentleman meant to say that allowance or disallowance depended on the fact of the attention of the Minister of Justice being called to the Bill which it was sought to disallow. He (Mr. Pardee) was under the impression that all the measures were carefully reviewed and examined, keeping in view the law and constitutional usage and practice. Not that it was necessary that some person should call the attention of the Dominion Government to every bill that was deemed to be objectionable,

Mr. MEREDITH—No infallibility.

Mr. FRASER—Pliability.

Mr. PARDEE continuing, said that he did not argue infallibility, but the course pursued was calculated to create apprehension in the minds of the people of this country. It was calculated to impress upon them that the disallowance of Bills depended upon the political pressure that was brought to bear, because they found the same class of legislation allowed when passed by friends and disallowed by those not in political sympathy with them. There was even a more glaring case than that of the Registrar of Bruce. Under the administration of the late John Sandfield Macdonald a Bill was passed providing for the dismissal of county judges. It was pointed out at the time by Mr. Blake, who then led the Opposition in the Ontario Legislature, that the Bill was unconstitutional. It was contended that the Dominion Government had the power to appoint county judges, and they alone could have power to dismiss them. Nevertheless the leader of the Government of the day thought the exigencies of the case were such that he was justified in passing the Bill. The Bill was accordingly passed, and it went to Ottawa for ratification. One would have supposed that from the nature of the measure, when it came to be considered at Ottawa, it would have been disallowed.

Mr. MEREDITH—Was not the first Bill disallowed?

Mr. PARDEE—Yes, but the second Bill, which contained precisely the same principles as the first one, was allowed to pass. He would be glad if the hon. gentleman could point out any distinction between the two Bills. (Cheers.) That Bill became law at a time when the hon. gentlemen opposite, occupying the Treasury benches, were in sympathy with the Government at Ottawa. The Sandfield Macdonald Government had no occasion to act upon that Bill, and it devolved upon the present Government to be the first to bring the new law into use. The case was one in which complaint was made against a county judge, and after an enquiry a report was made giving such reasons as convinced the Government that he ought to be removed. The Local Government proposed to act upon that report, but the Dominion Government said the law was unconstitutional, and they would not allow them to put it in use. They were willing to allow it to pass when a friendly Government was in power, but the very moment a Government unfriendly to the powers at Ottawa undertook to make use of the provisions of that law, then for the first time it was found that the law was unconstitutional.

Mr. MEREDITH—Does the hon. gentleman not know that in the report of the Minister of Justice a doubt was expressed as to the constitutionality of that Act, and stating that notwithstanding the doubt it would be allowed to go into operation?

Mr. PARDEE—Yes, but notwithstanding this the Act was allowed. Here again was a case which would cause the people of this country to become distrustful. Here was reasonable proof that the Dominion Government was influenced in these questions by political reasons, and he appealed to the House and the country whether there was anything more dangerous to be introduced into our federal system than this element, which would undermine and sap our provincial and even national existence, as it would tend to break up Confederation. Hon. gentlemen opposite had never ventured to say that the Streams Bill was illegal in whole or in part, or that it affected the interests of the Dominion generally. The ground that they took was that the Bill was an outrageous measure in its provisions, and ought to be disallowed—ever outside of all the principles laid down by Sir John Macdonald in his report—and that the Dominion Government could not do otherwise than disallow it.

THE NATURE OF THE BILL.

Addressing himself to this branch of the case he asked the gentlemen opposite if they were not carrying their argument too far. When he (Mr. Pardee) introduced the Streams Bill in the House he said that what the Government proposed to do was merely to explain the law. They were merely by that Act declaring what the law was. It was found that the highest Court in Ontario had decided that the Bill was merely declaratory of what the law was at the time it was passed. Conservatives had been in the habit of charging the Reform party with want of respect to the judges on the bench, and here they were found pronouncing as outrageous a Bill which the highest judges in the Province had declared to be right. The Chief Justice had given it as his opinion that the construction put upon the law in Bealo v. Dickson was legislation, not construction.

Mr. MEREDITH—Where was the necessity for legislation if such was the nature of the Bill.

Mr. PARDEE—Public and private interests demanded that the people of this country should have the means of bringing the wealth of their forests to market. It could only be brought through the rivers and streams, which are the natural highways to market for our forest wealth. It was evident that if one man got possession of a portion of the stream he was able to dictate to the public upon what terms they should be permitted to float their timber over it and refuse such right altogether if he so pleased. Having found out what construction was being put on the law on this subject, it was impossible for the Government to delay dealing with it. Coming to the question of compensation provided in the bill, he proposed to show to the House that it was ample and just in every respect. And that was the main cause of the Bill having been disallowed. Only fancy the Minister of Justice of the Dominion Government disallowing a Bill passed in the Legislature of Ontario by a majority of thirty odd members, on the ground that the method of compensation was not in accordance with his view. The case was not such as would justify or warrant the Government in buying up the improvements, and the Bill provided the fullest and most ample and complete compensation to the owners of these improvements. What was the nature of that compensation? It was provided that tolls should be levied, and in fixing these tolls they were to take into consideration the cost of the improvements, the interest on the money, and the cost from year to year of maintaining them, in order that the compensation might be fully complete. Was not that ample provision, or was it such as to justify the Minister of Justice in saying it was so inadequate as to call for disallowance. Mr. Justice Burton, who dissented from the judgments, in dealing with this question of compensation, had expressed himself as follows:—"In the main appeal I am pleased to find that the other members of the Court have seen there way to the allowance of the appeal, as a contrary conclusion could not have been otherwise than disastrous to one of the most important industries of the Dominion. The result is the public become entitled to use the plaintiff's improvements without compensation, which was most properly secured to him under the Act which has recently been disallowed." (Cheers.) Here was one of the ablest judges of the highest Court in Ontario saying that the compensation was most properly secured by that Act, yet hon. gentlemen contended that the Act was unjust in this respect, and sufficiently so to justify a Minister of Justice in recommending its disallowance. (Hear, hear.)

HOW THE LUMBERMEN REGARDED IT.

Another important point regarding the Bill hon. gentlemen seemed to overlook. It was introduced early in the session, but at the request of hon. gentlemen opposite the second reading was delayed week after week to enable them to ascertain the feeling of the lumbermen and the drift of public opinion regarding it. The lumbermen of Ontario were an intelligent and shrewd class of men, and yet, notwithstanding all the delay and the fact that they were appealed to and copies of the Bill were sent them, not a single petition or protest against the passage of the Bill was presented to that House, and unless the protest came from Mr. McLaren, not a member of the House received a complaint against the provisions of the Bill. (Loud applause.) What more conclusive evidence than that could they have to prove that the people of this country demanded such an Act? Would it not have been supposed at all events that the Dominion Government would have taken more care in considering its disallowance, and have asked if any petitions had been presented to the House against it. When it was certain that the bill would pass through the House and become law the cry came from hon. gentlemen opposite, "The Act will be disallowed when it goes to Ottawa," and that threat was doubtless inspired by a gentleman who knew his political power at Ottawa. There was a bill passed by this House some years ago at the instance of this very Mr. McLaren. (Hear, hear.) Mr. McLaren owned certain timber limits in the East, and he supposed he had a right to all the timber on the road allowances which were included in the surveys