

North America Act on the subject of the reservation and disallowance of Bills, or to touch on the principles on which the power of disallowance while retained in the present form should be exercised. These questions involve another difficult phase of the problem of Imperial Government, but one that is not directly presented for consideration on this occasion, and on which, therefore, I express no opinion.

It appears to me that in all the classes of cases mentioned in the clause referred to, save perhaps Class 8, it would be better and more conformable to the spirit of the constitution of Canada, as actually framed, that the legislation should be completed on the advice and responsibility of Her Majesty's Privy Council for Canada; and that, as a protection to Imperial interests, the reserved power of disallowance of such completed legislation is sufficient for all possible purposes. This view seems to me to apply with even added strength to certain of the classes, viz., 1, 3, 4, 6, and that part of 7 not referring to the prerogative.

I may shortly observe in support of this view that, irrespective of the general powers conferred on the Parliament of Canada, among its express powers are those of legislation on subjects comprised in these classes; that in practice bills on several of these subjects have been assented to without reservation; and that this practice would appear to harmonize with the theory of the constitution as it is framed, by distributing the responsibilities and powers of Her Majesty's Colonial and Imperial Advisers, allowing on the responsibility of the former the completion of Colonial legislation on authorized subjects, while it reserves to be exercised on the responsibility of the latter the Imperial prerogative of disallowance.

*Clause 10.*—The latter part, which provides for transmission of the journals and minutes of the Legislative bodies of the Dominion to be required from the clerks thereof, I assume applies only to the Senate and House of Commons of Canada.

These journals and minutes being invariably published there is no reason why copies of them should not be transmitted as heretofore; but it is, of course, understood that such action involves neither invasion nor abandonment of the undoubted privileges of the Canadian Senate and Commons in respect of matters by them debated, but not by them communicated to the Governor.

*Clause 12.*—It may be suggested that it would be expedient to alter the language by simply providing that all commissions granted should, unless otherwise provided by law, be during pleasure, without specifying some of the classes of officers referred to in the Clause. The Judges should no longer be named in the Clause since under the law, and in accordance with British constitutional practice, the Judges generally, if not universally, hold their offices during good behaviour. It seems, under these circumstances, inexpedient that this class of officers should continue to be mentioned as a class whose commissions may with propriety be during pleasure, although, of course, the language does not prevent their commissions being couched in proper terms according to law.

This completes the observations which occur to me.

I have, &c.

(Signed) EDWARD BLAKE.