
RETURN

To an ADDRESS of THE HOUSE OF COMMONS, dated 2nd March, 1876 ;—For all correspondence with the Colonial Secretary on the subject of the exercise of the power of disallowance of the Provincial Statutes.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 4th March 1876.

(No. 89.)

GOVERNMENT HOUSE,
OTTAWA, 7th April, 1875.

MY LORD,—I have the honor to inform your Lordship that the Honorable Mr. Blake, member for South Bruce, on the 22nd February, gave notice that he would move, in the House of Commons, the following resolutions:—

“That by the 56th clause of the British North America Act, 1867, it is in effect enacted that when the Governor General assents to a Bill in the Queen’s name, the Queen in Council may within two years after its receipt disallow such Act.

“That by the 90th clause of the said Statute it is enacted that the above provision shall extend and apply to the Legislatures of the several Provinces as if re-enacted, with the substitution of the Lieutenant-Governor for the Governor General, of the Governor General for the Queen, of one year for two years, and of the Province for Canada.

“That, in the opinion of this House, the power of disallowance of Acts of a Local Legislature conferred by the said Statute is thereunder vested in the Governor General in Council, and that His Excellency’s Ministers are responsible to Parliament for the action of the Governor General in exercising or obtaining from the exercise of the said power.

“That, by a letter dated 13th December, 1872, the Registrar of the Privy Council of the United Kingdom conveyed to the Colonial Office the opinion of the Lord President of the Council, that the power of confirming or disallowing local Acts is under the said Statute vested in the Governor General acting under the advice of his constitutional advisers.

“That, notwithstanding the premises, by a despatch dated 30th June, 1873, the Secretary for the Colonies, in response to an application from the Governor General for instructions on the subject, informed His Excellency that he was advised by the Law Officers of the Crown that the question of disallowance or allowance of Local