

That is the true rule, stated on the most modern terms, as to the exercise of the power of disallowance. No interference unless the instructions specially communicated to the Governor General required interference; therefore, I say that in the interests of Canada, the greatest self-governing community in dependence upon the British Crown, that one in which we see the *imperium in imperio* that one in which of all others we ought to preserve as far as possible, in the interests of the Empire and in the interests of the connection, those well settled lines as to the interference of the Empire in domestic matters in that dependency, we find this disallowance has taken place.

But can we blame the Imperial Government in the face of the facts which have been divulged by the papers brought down after the disallowance? No, Sir, we cannot, and why? Because the First Minister of this country, in the betrayal of his duty to this country, expressly invited the attention of Her Majesty's Government. (*Cheers.*) So far from suggesting, as he ought to have suggested, to His Excellency that the Act was one of domestic importance solely, and one which would not interfere at all with the Empire, the hon. gentlemen says this:—"The undersigned, to whom has been referred by your Excellency the Bill passed during the present session," and so on; concluding, "The undersigned has come to the conclusion, although not without doubt, that this Bill is not within the competency or jurisdiction of the Canadian Parliament, and that the attention of Her Majesty's Government should be called to its provisions and to the doubt that exists with respect to its validity."

The intimation of the hon. gentleman, promptly acted upon by the law officers of her Majesty's Government, was in direct contradiction of the principle laid down by himself, that Her Majesty's Government should not interfere in our domestic legislation, but leave us to settle our domestic troubles by our own machinery. In ignorance of this dispatch, I did not blame the Imperial Government for departing from what I stated to be a well settled rule, I am free to admit that the onus has been shifted, and now lies upon the shoulders of the First Minister of this country. (*Cheers.*)

I observe, Sir, that the proclamation issued on the first day of July was not accompanied by the certificate which it is provided by the Act, shall accompany it. (*Cheers.*) And I confess I did not suppose the hon. gentleman would have been guilty of the act which from these papers it now appears he has committed. I supposed it was by some slip that it happened. The election was urgent, there was haste in the matter, it was a public holiday, there were various things to be done, and I supposed that the certificate of Lord Kimberley, which is required to be appended to it, had merely been omitted; but by the papers brought down, it appears that the Act was not ripe for disallowance at the time; it appears the certificate was signed and sealed in England upon the first of July, the same day upon which the proclamation was issued in Canada making public the disallowance. (*Hear, hear, and cheers.*)

Now, Sir, the law is that "if the Queen in Council sees fit to disallow an Act, the certificate of the Colonial Secretary is sent to

the Governor General informing him of the fact, and until such certificate is received, the Act remains in force." But it now appears that the hon. gentleman caused the proclamation of disallowance to be issued illegally upon that day, in order to stop the proceedings of the Committee, and to carry out the scheme which this memorandum shows he contemplated from the commencement of procuring this disallowance. (*Cheers.*) Sir, upon a telegraphic communication to the effect that the act was disallowed, he ill-advised and misled His Excellency, causing him to commit a violation of the law, and officially proclaimed disallowance. (*Hear, hear.*) At that time His Excellency was physically incapable of performing the act of disallowance, because he had not yet received the certificate of the Secretary of State, which the law requires. (*Cheers.*) Under these circumstances it would have been fitting for the hon. gentleman not to have caused this proclamation to be brought out. It would have been well for him to have waited until the certificate, which the law requires, had arrived. The Committee could then have preceded with and probably finished their labours, because, till the legal proclamation of its disallowance it had as much force as an Order in Council.

The object of the hon. gentleman, however, was not thus to be accomplished. To meet these objections he thought it necessary that the disallowance should be proclaimed, and the proceedings of the Committee stayed. The hon. gentleman alleges that this disallowance was the act of the Lord Chancellor of England, as I think he urged in the argument he advanced to you. I make him a present of the proposition that the Act is *ultra vires* of the powers of this Parliament, and I leave to the hon. member for Cardwell (Hon. Mr. Cameron) who introduced the Bill in this House, to establish to the House as he established before, in spite of the exertions of his leader, that the Bill is not beyond our jurisdiction. I assume for the purpose of argument that the Bill was *ultra vires*, and have only the constitutional question to put, whether, the fact that it was *ultra vires* being established, it was fit that it should be disallowed. (*Hear, hear.*)

I am aware that the hon. gentleman is gazetted, although not yet sworn, a member of Her Majesty's Privy Council, and he probably knows more than I do, or perhaps than I ever can do, of what takes place in that Council, and perhaps he knows that the Lord Chancellor gives to every order of the Council his personal consideration and sanction. I am very much surprised to hear it, but I do not think that the hon. gentleman will here allege or contend that it is the Lord Chancellor's duty to consider the validity or legality of every Order in Council. In this case, as is quite apparent upon the face of the despatch, the Lord Chancellor was not at the Council when the Act was disallowed. Considering the circumstances, considering that it was presented and disposed of on the 26th, and the result telegraphed on the 27th of June, I have a notion that the Lord Chancellor heard of the matter for the first time when that little breeze blew from this to the other side of the water (*cheers*); but it is of no consequence.

I decline, in matters of consequence to the good government of this country alone, to be bound by the opinion of the Lord