"The British North America Act recognises and guarantees to every Province in the Confederation the right of local self-government, in all cases within the competency 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; except in regard to Acts which transcend the lawful bounds of provincial jurisdiction or which assert a principle, or prefer a claim that might injuriously affect the interests of any other portions of the Dominion, as in the case of Acts which diminish rights of minorities in the particular Province in relation to education, that has been conferred by law in any Province prior to Confederation."

Now, I think the member for Muskoka (Mr. O'Brien) has failed to point out that this Act asserts a principle in violation of the interest of the Dominion, or which affects the rights of the minority within the particular Provinces, because if we understand aright the minority of the Province of Quebec, who thoroughly understand their position and who thoroughly understand what the law was, are themselves prepared to accept at the hands of the Local Government the sum of $60,000 as full and just compensation to them for the amounts they were entitled to for their superior education fund, and that while we are so anxious to protect the minority in the Province of Quebec that minority, knowing more than we do, are perfectly satisfied. Todd again says:

"It was manifest that it was the intention of the Imperial Parliament to guard from invasion all rights and powers exclusively conferred upon the provincial authorities, and to provide that the reserved right of interference therewith by the Dominion Executive or Parliament should not be exercised in the interest of any political party or so as to impair the principle of local self-government."

And at page 363 in his work, he continues:

"It has been sometimes worked in repeal of Acts which contained provisions that were deemed to be contrary to sound principle of legislation, and, therefore, likely to prove injurious to the interests or welfare of the Dominion."

You will, therefore, find we have high constitutional authorities on this subject, and authorities which satisfy me that the Government were perfectly right in acting as it has done. We have also the opinions of eminent judges in this country, and my hon. friend has pointed out to judicial authorities in England, in support of his argument. I think that we should quote some of our own eminent authorities, in order to guide the House to a just conclusion on this matter. In the case of Severn against the Queen, Supreme Court Reports, volume 2, page 96, Chief Justice Richards says:

"Under our system of Government, the disallowing of statutes passed by a Local Legislature after due deliberation, asserting a right to exercise powers which they claim to possess under the British North America Act will always be considered a harsh exercise of power unless in cases of great and manifest necessity, or where the Act is so clearly beyond the power of the Legislature that the propriety of interfering could be at once recognised."

And Justice Taschereau said:

"There is no doubt of the prerogative right of the Crown to veto any Provincial Act, and that could even be applied to a law over which the Provincial Legislature had complete jurisdiction. But it is precisely on account of its extraordinary and exceptional character that the exercise of this prorogative will always be a delicate matter. It will be always very difficult for the Federal Government to substitute its opinion instead of the Legislative Assembly, in regard to matters within those Provinces, without exposing themselves to be reproached with checking the independence of Parliament in the Provinces. What would be the result if the Province chose to re-enact a law which had been disallowed? The cure might be worse than the disease and fully as grave complications might follow.

"It cannot, therefore, be argued that, because this right exists, we must adopt an interpretation which could lead to the necessity by having recourse by it."

Now, Mr. Speaker, that points out the fact that while this Government has the power to disallow Acts which are strictly within the power of the Local Legislature, yet that very judge declares that it is inexpedient and impolitic in this Government to set its opinion against that of the Local Legislature, because if it did so the Legislature would turn around and re-enact the Bill, and the result would be a conflict between the Provincial Government and the General Government, which all must deplore. We have also certain principles laid down by the right hon. leader of the Government, whom I look upon as a very high constitutional authority, and I think both this House and the country recognise him as such. At any rate, we know that the rules laid down by him in the year 1868 for the guidance of the Government on such questions, have been approved of by Mr. Mowat, the Premier of Ontario, a high legal authority, by the learned gentleman who sits opposite, the hon. member for West Durham (Mr. Blake), by the hon member for East York (Mr. Mackenzie), and by other hon. gentlemen in this House. Those rules were as follows:—

"In deciding whether any Act of a Provincial Legislature should be disallowed, or sanctioned, the Government must not only consider whether it affects the interest of the whole Dominion or not, but also whether it be unconstitutional; whether it exceeds the jurisdiction conferred on the Local Legislature, and, in cases where the jurisdiction is concurrent, whether is clashes with the legislation of the General Parliament."

"As it is of importance that the course of local legislation should be interfered with as little as possible, and the power of disallowance exercised with as great caution, and only in cases where the law of general interests of the Dominon imperatively demand it, the undersigned recommends that the following course be pursued:—

"That on the receipt by Your Excellency of the Acts passed in any Province, they be referred to the Minister of Justice for report, and that he with all convenient speed, do report as to those Acts which he considers free from objection of any kind, and if such report be approved by Your Excellency in Council, that such approval be forthwith communicated to the Provincial Government.

"That he make a separate report, or separate reports, on those Acts which he may consider—

"1. As being altogether illegal or unconstitutional.

"2. As illegal or unconstitutional in part.

"3. In cases of concurrent jurisdiction as clashing with the legislation of the General Parliament

"4 As affecting the interests of the Dominion generally. And that in such report or reports he gives his reasons for his opinions."

These rules have been endorsed by all legal gentlemen in this House, and I think no person can deny that they embody the true and correct principle. We also find, by the Sessional Papers of 1877, page 102, that the hon. member for West Durham recommended that the question as to *ultra vires*, with reference to the Escheats Bill, should be referred to the Supreme Court. Again, in 1876, the hon. gentleman, in regard to an Act respecting the Legislative Assembly, said:

"It appears to the undersigned that several of the provisions are open to very serious questions as being *ultra vires* of a Local Legislature, but almost all of them are contained in an Act of the Legislature of Quebec, upon the same subject which was left in its operation. There are indeed some new provisions, but it could not be advisable upon the principle upon which the Quebec Act was allowed to advise the disallowance of the Act by reason of the insertion of these provisions, and the undersigned feels bound to recommend, that following the precedent referred to, the Act should be left in its operation; it being quite possible for those who may object to its constitutionality to raise their objections in the courts."

There we have two of the highest legal authorities in this country, as high almost as can be found in any country, the hon. First Minister and the hon. member for West Durham, laying down the principle that upon the question of the constitutionality of an Act the decision of the courts ought to be invoked. We find the *Mail* of 5th February endorsing that view in the following words:—

"There is nothing in the British North America Act to limit the exercise of the veto power. That it shall not be exercised merely on grounds of ordinary policy, unless the Provincial Legislature has exceeded its jurisdiction, is a good general rule, which once more we commend the Government for observing The authority given to the Provincial Legislature in certain classes of subjects, carries with it, like all authority, a liberty of error which must be respected, so long as the legal power is not exceeded and the error is not manifestly subversive legally or morally of the principle of the constitution or of the great objects of the State."

I have pointed out that the *Mail* in a former article contended that this Act was *ultra vires*, and, therefore, the courts should be invoked to decide upon its constitutionality; and we have affirmed that principle in this House over and over again. It was affirmed in regard to