

this decision was final or fatal. It was their conception that circumstances might still be brought forward which would render it proper for the Executive to take, and at any rate for Parliament to advise, that action which the Executive had, so far, thought fit not to take. I thought, then, and I think now, that it would have been the wiser course to have waited, and to have allowed the subject to be ventilated more fully and freely before taking action. The ventilation has taken place, notwithstanding the action; and it has taken place all the more violently for the attempted repression; and in a way and at a time which have greatly complicated the difficulties of the country. So much with reference to that point, and to the various positions which appear to be taken by the hon. Minister of Justice upon it. Without attempting a criticism in detail of those papers of his, to which I have referred, I may point out one blemish in the hon. gentleman's statement, which, I think, he himself will concede exists, in that part in which he is adverting to this point, and is accumulating objections which he conceives to exist to the proposition that the right of disallowance may be exercised after the announcement that the Act is thought unobjectionable. He says, that on that assumption even the Supply Bill of a Province could not be safely acted on until the expiration of the year, by which time the supplies would have lapsed. The hon. Minister of Justice forgot for the moment that the effect of disallowance is only to annul the Act from the time of the disallowance, and not from an hour earlier, and that whatever may have been done under the Act up to that time is well done. He forgot that moneys can be paid under a Supply Bill with perfect safety up to the hour of disallowance, and that there is not the slightest difficulty in acting upon a Supply Bill, even although in every case the Administration of the Dominion were to determine that they would never pronounce upon a local Act until the expiration of the twelve months, and were then to disallow the Supply Bill; and I will prove the case to you. In an early year in the Province of Ontario, a Supply Bill was passed which contained one objectionable provision, involving the payment of a permanent extra allowance to the judges of the Superior Court of Ontario, of some thousands in all. The hon. the Minister of Justice of that day, the present First Minister, decided that that provision was so objectionable that it must go. The then Attorney General of Ontario, a tolerably firm, not to say an obstinate man, as the First Minister knows, decided that it should not go by his consent. What did the Minister of Justice of that day do? He stayed his hand; he allowed all the supplies to be paid; he waited until after the lapse of the twelve months, of which the Minister of Justice of this day speaks; and when all the supplies had been paid, the Act remaining valid all that time, then he disallowed it. And that clause which contained the provision for the payment of judges in future years, went with the rest of the Act. But the payments were all made, and well made; and the trifling inconvenience which the Minister of Justice of this day suggests would arise, is found by practical experience to have no existence whatever. The hon. gentleman suggested that we are to suppose the case of an Act authorising the borrowing of money. I say if there is an Act authoris-

ing the borrowing of money, and if money is borrowed under that Act, and if, after that borrowing has taken place, the Act is disallowed, what had been done under it remains valid. The First Minister shakes his head, but it is perfectly plain I am right. Suppose a Provincial Act, authorising a loan, suppose the bonds of the Province given for it and the money received, will anybody seriously contend that the act of the Minister of Justice and the Privy Council of the Dominion, occurring later, annulling this Act, would render the loan void?

Sir JOHN THOMPSON. It would destroy the security.

Mr. BLAKE. No; the security is in existence; it is made; it has passed; it is issued; and I deny that the disallowance of the Act would destroy the security. I admit, however, that if there be an Act authorising the construction of public works, of which, as in almost all cases, only a part can be accomplished within the time, the disallowance of the Act would theoretically cause inconvenience, as people might be averse to undertake such contracts, not being quite sure whether they would be allowed to finish the work. But such inconveniences are more theoretical than practical; for, in the vast bulk of cases in which there is provincial legislation, there never is any question, or risk, or doubt, about disallowance at all. It is only in view of exceptional cases that the doubt and difficulty—the shadow of doubt—as to disallowance at all exists. In the great and increasing bulk of cases, and I hope and trust the number and proportion will swell more and more as the years go by, an Act, when passed by a Provincial Legislature is and will be felt to be at once as sound and free from attack by the act of the Executive of the Dominion as if the twelve months had elapsed. Therefore, I maintain that the power of disallowance remains; and may, if the good of this country requires that it should be exercised, be exercised at any time within the period of twelve months, and that no premature determination of the Executive, as to what they think is right or politic, can absolutely divest them or their successors, or the Parliament of the country from the obligation and the power to do right, until the period given by the statute for action has expired. These conditions, I conceive, existed on the present occasion, and it was quite competent to this Parliament to review the decision of the Executive, and to come to a conclusion, one way or the other, as to whether this Act should or should not be disallowed, notwithstanding the Order in Council. I aver that this Parliament retains within the twelve months that power, even after the Executive has acted; but I agree that it is a power to be exercised only under exceptional circumstances. As to the principles upon which the power of disallowance should be exercised, with reference to statutes which are *ultra vires*, on the ground that they are *ultra vires*, I stated my views only the other day, and I pointed out that, although the cases might be rare, cases there were in which it was agreed that *ultra vires* Acts might properly be disallowed on that ground, and I have thought always that this statute came within that category, and that, if *ultra vires*, it should have been disallowed. I do not enter on the constitutional objections which have been taken to the statute in times past, and which have, to some extent, been repeated to-day by my hon. friend from North Nor-