

guing the question in controversy we have relied on the authorities of English statesmen, and especially on those who have filled the office of First Minister, such as the Earl of Derby and Mr. Gladstone, and likewise on the highest authorities on constitutional law. But the writer had the advantage of having been a member of the Cabinet of Mr. Lafontaine under the Earl of Elgin, as Governor-General, and he had, subsequently, the honor of being First Minister himself under the same nobleman, and he is consequently familiar with the practice followed after the introduction of Parliamentary or Responsible Government.

#### THE LAFONTAINE-BALDWIN PRACTICE.

It is well known to those acquainted with our history that Mr. Lafontaine, although the leader of the Government, devolved on his colleague, the Hon. Robert Baldwin, who had made constitutional law and practice his peculiar study, the leadership of the House, which necessarily made him the medium of communication with the Governor-General on all questions coming before the Legislature. During this controversy we have had occasion to state that Mr. Baldwin was most scrupulous on all occasions in obtaining the assent of the Governor to every act, whether of administration or legislation. Unless we adhere strictly in this Dominion and in the several Provinces to the constitutional practice of the Mother Country we shall be like a ship at sea without compass or rudder, and may at any time drift on a lee shore. It was satisfactory to us to find that in what we consider the main point Sir John Macdonald admitted in his speech what we have contended for, viz., the strict analogy between the Lieutenant-Governor and his Ministers as to local affairs, and the Governor-General and his Ministers as to Dominion affairs. That point being conceded we have only to consider further whether Mr. De Boucherville, who as Premier was the medium of communication with the Lieutenant-Governor, did concede to him his three rights, "the right to be consulted, the right to encourage, the right to warn."

#### THE TRUE ISSUE.

We must remind our adversaries that, on the 25th February, the Lieutenant-Governor was obliged to call for a great deal of information comprised in a "factum" relating chiefly to the Railway Bill. Among other demands was "a statement of the reasons which led the Provincial Government not to be satisfied with the provisions of the statutory and public

"law and of the Civil Code of this Province for the recovery of any sums of money which may be due by those corporations but without previously advising in any way with the Lieutenant-Governor to propose ex-post facto legislation to compel them to pay." "Another very important Bill to make provision for levying new taxes, has also been proposed to the Legislature without having been previously submitted for the consideration of the Lieutenant-Governor." Here is a positive statement by the Lieutenant-Governor, and before commenting on it, we shall give the *ipsissima verba* of Mr. De Boucherville's reply as to the statements which we have italicised: "I would now beg your Excellency to observe that, while you were at Rivière Ouelle, I had the honor to ask your authority to put the question of finance before the House, and that you kindly answered that you were forwarding through the mail a blank, which act I took at that time as a great mark of confidence on your part. I received, in fact, a blank with your signature, and I gave it to the Treasurer who had it filled up by your Aide-de-Camp. Later I had the honor to ask your Excellency for a general permission to submit to the House measures concerning money matters, which your Excellency gave me with your ordinary courtesy. That permission I may say has always been granted me by your predecessor the late lamented Mr. Caron. I must admit that with that permission, and being convinced your Excellency had read the Treasurer's speech in which he announced the taxation subsequently proposed, I considered myself authorised to tell my colleagues that I had your permission for all money measures. I beg your Excellency to believe that I never had the intention of assuming the right of having measures passed without your approbation, and that in this case, having had occasion to confer with you with regard to the law with respect to the Provincial Railway, and not having orders to suspend it, I did not think your Excellency would see in that measure any intimation on my part of disregarding your prerogatives, which nobody is more disposed to respect and uphold than myself." We have stated the case fairly on both sides. Mr. De Boucherville acknowledges frankly that he ought not to have assumed the right of having measures passed without the Lieutenant-Governor's approbation, and he professes his desire to respect and uphold the Lieutenant-Governor's prerogatives, meaning, of course, those three rights which Mr. Bagehot, the pet au-

thority of Sir John Macdonald, and Mr. Chapleau, has happily described as "the right to be consulted, the right to encourage, the right to warn." We claim Mr. De Boucherville as an additional authority in support of the Lieutenant-Governor's constitutional right to consultation, but, we shall venture to contrast that Minister's practice with his professions. In reply to the Lieutenant-Governor's clear statement as to the Railway and Tax bills, Mr. De Boucherville refers to a telegram addressed to the Lieutenant-Governor at Rivière Ouelle, asking authority "to put the question of finance before the House." Now it is generally known that there is an express provision in the British America Act, requiring a special message from the Lieutenant-Governor to accompany the estimates and recommend them to the House. The Lieutenant-Governor correctly assumed that the telegram of Mr. De Boucherville referred to this formal message, and he sent a blank form signed, which his private Secretary (who acted in that capacity, and not as aide-de-camp) filled up exactly as intended, and which, consequently, could not have been used for any other purpose. This, then, is Mr. DeBoucherville's sole authority, on his own admission, for introducing a Railway Bill superseding the statutory and public law. Had Mr. Letellier been at Spencerwood could his signature to a message to accompany the estimates been invoked as an authority for the Railway and Tax bills? As to the conversation during which, as Mr. DeBoucherville alleges, the Lieutenant-Governor gave him "a general permission to submit to the House measures concerning money matters," it is to be remarked, 1st, that the Lieutenant-Governor denies explicitly that he gave any such authority. It seems highly improbable that he intended to do so, but the misunderstanding is of little consequence because, 2ndly, the permission could have no bearing on any but money matters; and, 3rdly, that the alleged permission is said to have been given in a conversation which took place long after the introduction of the Railway and Tax bills; 4th, That Mr. DeBoucherville states as one of his reasons for informing his colleagues that he had permission for all money measures, was that he was convinced that the Lieutenant-Governor "had read the Treasurer's speech, in which he announced the taxation subsequently proposed." If any one can read the two statements of the Lieutenant-Governor and of Mr. DeBoucherville, and believe that the former was consulted either on the Railway or Tax bills, he must have more credulity than we can pretend to.