

EXTRACT from a Report of the Committee of the Honourable the Privy Council, approved by His Excellency on the 13th June, 1888.

The Committee of the Privy Council have had under consideration two despatches dated 19th April, 1888, from the Right Honourable the Secretary of State for the Colonies in reference to the disallowance by the Dominion government of the Manitoba Red River Valley Railway Act.

The Minister of Justice, to whom the despatches were referred, reports as follows:—

Lord Knutsford observes in the latter of these despatches that in the minute of the Privy Council which accompanied Lord Lansdowne's secret despatch of the 13th March, it is stated that the proposed reference of the memorial of the executive council of Manitoba to the Judicial Committee of Her Majesty's Privy Council had not been asked either by the executive council of Manitoba or by His Excellency's advisers, and his Lordship adds that this statement would seem to have been made inadvertently, as the executive council of Manitoba, in the final paragraph of the memorial, distinctly pray for leave to be heard by counsel before Her Majesty in Council.

The Minister of Justice ventures to suggest in order to remove what seems to be a mistaken impression, that the prayer to be heard by counsel before Her Majesty in Council did not, in the opinion of Your Excellency's advisers, import a desire that the matter of complaint set forth in the memorial should be referred to the Judicial Committee of Her Majesty's Council, and the expressions which emanated from members of the Manitoba Executive Council, at the time when the memorial was adopted and since, have made it clear that such was not in fact the desire of the executive council, but that the executive council desired to remonstrate on other than legal grounds (which alone would have been available before the Judicial Committee) against the disallowance of Manitoba statutes, and that the request to be heard by counsel was made with a view to invoking imperial executive control over the authority vested in Your Excellency by the British North America Act.

The committee concur in the report of the Minister of Justice and they recommend that a copy of this minute be transmitted to Her Majesty's Secretary of State for the Colonies in order that His Lordship may not continue to suppose that the statement made in the minute of Your Excellency's Council, which accompanied Lord Lansdowne's secret despatch, before referred to, on this subject, was unjustified and made without due consideration.

All which is respectfully submitted for Your Excellency's approval.

JOHN J. MCGEE,
Clerk of the Privy Council.

Lord Knutsford to Governor General.

DOWNING STREET, 12th July, 1888.

Governor General,
The Right Honourable
The Lord Stanley of Preston, G.C.B.,
&c., &c., &c.

MY LORD,—I have the honour to acknowledge the receipt of Your Lordship's confidential despatch of the 20th ultimo., forwarding a minute by your Privy Council with reference to the disallowance of the Red River Valley Railway Act. I am glad to receive this explanation from your government, for as counsel are not heard except before the Judicial Committee of the Privy Council, the Manitoba Government seemed to desire to appear before that body. As, however, the question of the railway has been amicably arranged it is unnecessary to pursue the subject further.

I have, &c.,

KNUTSFORD.