

of deciding whether the political course of their Government is what it should be. They are the proper parties, and they alone. It is not to the hon. gentlemen on the Treasury benches, but it is to the electors that the Local Legislatures are responsible for their acts within constitutional limits; and while they keep themselves within those constitutional limits, I hold that we have not, according to the spirit of our Constitution, a whit more right to interfere—to use this prerogative for the purpose of disallowing their acts—than we would have to interfere with the acts of the Legislature of the State of New York. They are a distinct political entity for all the purposes for which exclusive power is given to them; they are constitutionally beyond the control of this Government and this Parliament; if they have acted wisely, their own electors will sustain them; if, in the judgment of the electors, they have acted unwisely, they will condemn them, and will send to Parliament representatives who will repeal the law. By the judgment of their own masters they must stand or fall. But, Sir, it was hinted by the hon. member for North Simcoe, that these people were not fit to be trusted fully, and, therefore, this meddlesome oversight is necessary. If you take that position, your whole system of government is at an end. That system is based on the theory that the people of each Province are fit to be trusted, that they are competent, and that if the Government do wrong, the people will set them right. I see statements in the press and elsewhere, that this Government ought to exercise this power of disallowance. Have we a beneficent power given to the Government here, by which they may act absolutely and upon the theory that they never err, that the Local Legislatures are not to be trusted, and that this power is to be frequently exercised, in order to keep them right? What would we say in this House, if the Imperial Government were to interfere on any question wholly within the purview of our authority? Would we submit to that interference? You would have the whole country aroused; you would have it declared, that we would not submit to the meddlesome interference of Downing street; you would have the old question about parliamentary government revived again. I say, that what would be improper to be done by the Imperial Parliament against us would be improper to be done by us against the Local Legislatures. Now, we never can proceed upon the assumption that this Parliament is wiser, in matters within the purview of the Local Legislatures, than the Local Legislature or the Local Government are. The assumption in our Constitution is that authority is vested in those who are most competent to exercise it. Certain general matters are entrusted to us, because it was believed—in the public interest—that we could do better for the whole community than each section of the community could do for itself. It is upon that ground that the Union is established; but it is also assumed, in the reservation of certain powers to the Local Legislatures, that they are the most competent to discharge the duties connected with those powers. If they are the most competent, upon what ground can we interfere? What right would we have to interfere? Why, the very ground on which interference is asked in this case would, if it had been put forward when the Constitution was framed, have been sufficient to have kept the Province of Quebec out of the Union. Are you going to entrap them into a union by a form of constitution which seemingly gives them exclusive control over certain subjects, and then, after they have become members of the union, exercise a meddlesome oversight over their domestic affairs? That is what is proposed. I say that is an improper thing, and I repeat that you never can safely undertake, even where a Local Legislature goes wrong, to correct their errors, instead of leaving the correction of those mistakes to the electors where it constitutionally belongs. Now let me call your attention to a precedent or two on this subject.

Mr. MILLS (Bothwell).

When this question was raised in connection with the New Brunswick School Bill, Lord Carnarvon said:

"That the Constitution of Canada does not contemplate any interference with provincial legislation, on a subject within the competence of the Local Legislature, by the Dominion Parliament, or, as a consequence, by the Dominion Government."

There is the limit Lord Carnarvon sets for that authority to disallow. He asks: Is the question one competent for the Local Legislature to deal with? If it is, your jurisdiction is excluded, your right to interfere is excluded. The Act may be unwise, but that is for them to judge, and not for you. You are not made a sort of second body to represent the people of a particular Province in provincial matters. In that same case, the law officers of the Crown, Sir J. D. Coleridge, the present Lord Chief Justice, and Sir George Jessell, afterwards the Master of the Rolls, one of the most distinguished judges of this century, said:

"Of course it is quite possible that the new statute of the Province may work in practice unfavorably to this or that denomination, and, therefore, to the Roman Catholics but we did not think that such a state of things is enough to bring into operation or restrict the power of appeal to the Governor General."

Now, here was an Act which, he said, might work unfairly and injure a particular class of the people who were complaining, but with which, as it was within the exclusive jurisdiction of the Province, although injustice might be worked, it was not the business of the federal authority to interfere. That is the doctrine clearly laid down in this case. In 1875, when the then hon. member for Terrebonne (Mr. Masson) brought this matter before the House, we refused to comply with his wishes, we refused to seek to set aside the provincial legislation upon the subject; and when Bishop MacIntyre, of Prince Edward Island, asked the Government of my hon. friend from East York (Mr. Mackenzie) to disallow the School Bill of that Province, which, he complained, was unfair to his people, we refused to interfere because we believed the matter to be wholly within the jurisdiction of the Legislature and Government of Prince Edward Island. What we then declined to do for the Roman Catholics we now decline to do against them. We are acting consistently; we are seeking to uphold on this, as on that occasion, the principle of provincial rights. The First Minister, in discussing the report on the School Bill of New Brunswick, laid down this proposition, that there were only two cases, in his opinion, in which the Government of the Dominion was justified in advising the disallowance of a local Act. The first was that the Act was unconstitutional and *ultra vires*, and the second, that it was injurious to the interests of the whole Dominion. Now, there is no doubt whatever about the soundness of the hon. gentleman's first proposition, and there is no doubt about the soundness of the second proposition, if there is no possibility of disputing the facts. The Government of the Dominion could not act, and they would have been guilty of a violent breach of the constitution if, because they held a different opinion from the Local Legislature, they should set up their judgment against the solemn decision of the Province in a matter entirely within the control of that Province. That was the position of the hon. gentleman on that important question, and with that position we never quarrelled; to the principle laid down on that occasion we unreservedly subscribed, and to that we have ever since adhered. Let us look for a moment at the federal principle. If the Government were completely federal, there would be no power of disallowance, and I have always been of opinion that the power to disallow was an unfortunate provision of our Constitution. I have always been of opinion that it would have been, on the whole, very much better to have left the question, as in the neighboring republic, entirely to the courts, rather than take the risk of the pressure which may be brought on an Administration, from time to time, to interfere in a way detrimental to the rights of