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## The Journal of Commerce

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### Special Articles

#### Do We Deserve It?

By J. W. MacMillan, D.D.

#### How the War Loan Payments Were Made.

By H. M. P. Eckardt.

#### The New Russia.

By W. W. Swanson.

#### Our London Letter.

By W. E. Dowding.

#### Conditions in the West.

By E. Cora Hind.

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## Bilingualism and Disallowance

WHATEVER differences of opinion there may be as to other aspects of the regrettable educational dispute now engaging so much attention in Ontario, and threatening to disturb conditions in other Provinces also, there should be none as to the wisdom of the Dominion Government in declining to accede to the petitions for the disallowance of a recent Ontario Act respecting the Ottawa schools. Under the British North America Act a law enacted by a Provincial Legislature may be vetoed—or disallowed—by the Federal Government at any time within one year from the date on which it is received at Ottawa. There is a similar provision in the Constitution respecting the disallowance of Federal laws by the Imperial Government, but the time allowed in that case is two years. In special cases copies of Provincial Acts are sent to Ottawa soon after their enactment. Ordinarily the Acts of the session are printed and the whole volume submitted as soon as it is available. The date on which it is received at the Department of Justice is carefully noted, and though in the meantime the law takes effect, it may be disallowed and cancelled at any time within one year from that date. In the case of any measure as to which disallowance is desired the parties objecting become particularly active as the final day approaches. It was so in the present case. The disallowance period was to expire in the last week of April. Petitions largely signed were presented to the Government at Ottawa, asking the disallowance of this particular Ontario Act. The petitions, in accordance with custom, were referred to the Ontario Government for consideration and comment. The Ontario Government reviewed the objections that had been raised and claimed that the Act should be left to its operation. The Minister of Justice made a report covering the representations that had been made, concluding with a recommendation against disallowance. The Ontario Act therefore remains in operation. The decision can hardly be satisfactory to those who desired disallowance. But a calm enquiry into the matter should lead to the conclusion that the decision of the Minister of Justice, confirmed by his colleagues, was correct.

There seems to have been an impression in some quarters that the disallowance of the Act would effect a repeal of "Regulation 17," which is so much complained of by many French speaking citizens of Ontario. This impression, however, was quite erroneous. The regulation referred to was not founded on the Act in question. It was made under the authority of an Act passed some years ago, and then allowed to go into operation. The Act which has lately been under consideration was

one which dealt only with the powers of the Board of Separate School Trustees of the City of Ottawa. The Trustees, chosen by the people in the usual way, came into conflict with the Ontario authorities in connection with the operation of Regulation 17. The majority of the Trustees strongly objected to the Regulation, and refused to enforce it. The Ontario Government thereupon procured the passing of an Act which dismissed the Trustees and authorized the transfer of all their powers to a Commission to be appointed by the Government. The Commissioners so appointed are endeavoring to carry on the school work in Ottawa, but are meeting with much opposition. The Trustees deny the validity of the Act, and assume a right to continue to control school affairs. The Ontario Courts have upheld the Act. An appeal is being taken to the Judicial Committee of the Privy Council in England. In this state of affairs the disallowance of the Act by the Federal authorities has been sought, without success.

In earlier years there was much contention between Federal and Provincial authorities respecting the manner in which the power of disallowance should be exercised. Sir John Macdonald was essentially a centralist. He assented to a Federal system, not because he liked it, but because he could not contend successfully for a Legislative union. He was disposed to treat the Provincial Legislatures and Governments as subordinate bodies, subject to the authority of the Cabinet at Ottawa. Sir John seemed to think that he had a right to sit in judgment on the policy of the Provinces. If a Provincial Act was for any reason objectionable to him he felt that he could, as Prime Minister of the Dominion, veto it. Mr. Oliver Mowat (afterwards Sir Oliver), Premier of Ontario, was the first to lock horns with Sir John on this and other constitutional questions touching the respective rights of the Federal and Provincial authorities. In a long series of contests Mr. Mowat's contentions were sustained and the Federal Government made to recognize that the Provincial Legislatures were not subordinate bodies, but were, within their defined limits, quite independent.

From time to time the rights of the Provinces were confirmed by action at Ottawa. A notable case occurred several years ago, when Sir Allen Aylesworth was Minister of Justice. An Ontario Act had been passed which took a mining dispute out of the hands of the Courts and decided it in favor of one of the parties concerned. An urgent appeal was made for disallowance of the Act. Sir Allen Aylesworth said if he were called upon to express an opinion as to the merits of the Act he would say that he regarded it as a very bad measure. But he held that the questions of propriety and expediency were not for him to consider; they were for the Ontario Govern-