

In the first place, with regard to the question of revocation and whether it is revocable or not, my learned friend says that you may stand to the Act of Parliament, and he bases his argument in the first place on the 142nd section and says one must enquire what is the meaning of that section, I confess I should have been perfectly willing to leave it upon the meaning of that section, because, as I read it, what that does is to constitute a tribunal of a particular character. It seems to me that section may, no doubt, be read in two ways. It may be read as saying that it shall be referred to the decision of three arbitrators and instead of naming them it gives them a description, but I submit to your Lordships that the true reading of the section is that it constitutes a tribunal, the members of which are described, not as if you inserted their names, but are described by their characters—that it is said that there must be in that tribunal one appointed by the Government of Canada, one appointed by the Government of Ontario, and one appointed by the Government of Quebec, and that that is the meaning, and if the authority of one arbitrator is revoked so long as there is a tribunal constituted by a successor, the tribunal which is provided by the Act of Parliament exists and is able to act and, therefore, it is a mistake to say that if the authority of Judge Day is revoked and ceases, therefore no proceedings can be taken. I submit the words are descriptive of the character of the tribunal, but that, as I submit, is shown by the latter part of the section upon which my learned friend has made no remark, to which my learned friend has given no meaning, as I submit, namely, the proviso which says that the Parliaments of the three parties shall meet before any proceedings are taken. Now, if this appointment is a mere formal appointment by the Governments of Quebec, Ontario and Canada, why was the express proviso made that the Legislature should meet? I submit it is obvious for this reason, that in a case of this sort this country does not legislate for the Provinces without their consent, that it does not deprive a Province of its property without the consent of the Province, and that the meaning of that proviso is that the three Provinces shall consent to this arbitration through their Legislatures before the arbitration shall have existence.

THE LORD CHANCELLOR:—Do you mean to say that the Act of Parliament made any provision that the consent of the Legislature should be obtained?

MR. BOMPAS:—Only in this way. My learned friend himself admits that supposing no appointment had been made, the arbitration could not have taken place, and it provided that no appointment should be made until the Legislature expressed their opinion on the subject.

THE LORD CHANCELLOR:—No, no, it is just like what we do every day here. We provide that a certain rule shall not be acted upon until it has lain on the table of Parliament for a month, merely to give Parliament an opportunity of expressing its opinion.

MR. BOMPAS:—I always thought it did give Parliament *ipso facto* an opportunity of preventing those rules coming into force.

LORD SELBORNE:—As a general rule it is expressed that if within a certain time there should be an address presented it may be suspended.

MR. BOMPAS:—Surely if the power of appointment is given to a particular person who is acting under the authority of Parliament and it is provided that Parliament shall first meet before that authority is exercised.

THE LORD CHANCELLOR:—Parliament might desire to pass a vote of want of confidence on the first day of the Session.

MR. BOMPAS:—No doubt. Is it not clear that this Act of Parliament contemplated the possibility of the Government of Quebec refusing to make the appointment, and if the Government of Quebec did not make an appointment, then my learned friend expressly admits that the tribunal could not have come into force. Your Lordships are well aware of the statutes, like the Railway Clauses