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House of Commons Debates

FOURTH SESSION—SIXTH PARLIAMENT.

SPEECH OF HON. EDWARD BLAKE, M.P.,

ON THE

JESUITS' ESTATES ACT.

WEDNESDAY, 30TH APRIL, 1890.

Mr. BLAKE. I cannot say, Mr. Speaker, that it was any source of gratification to me to learn that such a motion was to be made as that which is now attracting the attention of the House, nor am I certain, that any good results will flow from a renewal of the discussion upon the Jesuit question. In the observations I am about to make, although as hon. members will perceive, I am obliged to differ from some of the views which have just been expressed by the hon. Minister of Justice; and I dare say also, to differ from some of the views of gentlemen with whom I usually act; I do not desire to say a single word, in a sense which might aggravate any feeling of bitterness which may exist throughout this country with reference to this subject. I have felt from the beginning, that the question should be treated by those on either side who take opposing views, in a spirit, which I am sorry to say has not animated a great many of those who have acted on the lines of the hon. member for North Norfolk (Mr. Charlton). I have felt that it was a question which was pregnant with grave and important issues, and I do not deny in the slightest degree, the right, and even the duty, of those who feel as this gentleman did, to raise and to agitate it; I believe, however, that it should have been raised and agitated in a different tone and in a different spirit from that which many of them have evinced, if any good results were to ensue; nay, rather, if great calamities were to be averted. The questions which are immediately before us do not, I think, justify any severe motion of censure on the Government, nor do I think the motion of the hon. member for North Norfolk (Mr. Charlton) is to be considered as such a motion of censure, but rather as an expression of opinion adverse to the view which the Government adopted in this matter. Although I do not think the circumstances would justify a severe motion of censure, yet there are questions of high consequence involved, upon which there well may be differences of opinion, both upon an important constitutional point which the hon. Minister of Justice has advanced to-night—as he advanced it before in some of the State papers which he has produced upon this sub-

ject—and also upon a point which is certainly disputable, but I think, also, of greater practical importance. That is the question of political expediency, in the high and proper sense of that term, the question of policy, which is at issue between the hon. member for North Norfolk (Mr. Charlton) on the one hand, and the Administration on the other. Now, with reference to the constitutional point. I am unable for my part to accede to the full extent, to the argument made by the hon. Minister of Justice, as to the effect of the action of the Executive during the currency of the twelve months within which the power of disallowance may be exercised, or to his view that this power cannot, after a declaration of a contrary opinion, be exercised during the twelve months with reference to a Provincial statute. The hon. Minister of Justice does not indeed deny that what he calls the bare power of disallowance continues. It would, I think, be absolutely impossible to affirm that that power had been blotted out. The law gives the power to the Executive to disallow at any time within twelve months from the receipt of the authentic announcement of the statute, and the power is therefore exercisable, at any period short of the expiry of the twelve months. There is no power whatever to allow a statute. The Provincial statute derives its force and vitality from the assent of the Lieutenant Governor of the Province. It is, if in the power of the Province, valid, operative and living from the hour of that assent, and it requires no other allowance in order to give it operation. There is no right in the Executive of Canada to assume to allow it at all. The right of the Executive of Canada is purely of a destructive order: it can destroy, but it cannot give validity; it can obliterate by exercising the power of disallowance, but it cannot vitalise by its approval. If that be so, and if the Constitutional Act awards to the Executive an authority to exercise their power up to the expiration of the twelve months, no prior expression of opinion on the part of the Executive, however positive, as to the validity of the Act, as to its expediency, as to its being such as ought not be disallowed, can absolutely take away all right and authority to disallow within the

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