

PROVINCIAL RIGHTS.

The Tory Government's Attempt to Destroy Home Rule in Canada.

[Disallowance of the Rivers and Streams Bill—Sir John Macdonald's Former Opinions on Interference with Provincial Legislation—Tory Hostility to Ontario.

The fullest liberty of action by the Provinces, within their true constitutional limits, is the only safety of the federal system in Canada. The British North America Act of 1867 was a solemn compact, under which local control over local affairs was guaranteed. Under that Act the Dominion Government has no just right to interfere with the constitutional legislation of the Provinces any more than a Local Government would have to interfere with the legislation of a municipal council.

When the question of Confederation was under discussion, the necessity of allowing the fullest liberty of action to the Provinces within their own jurisdiction was frequently pointed out, and no sooner had we entered upon a trial of the new system than the propriety of defining the grounds which would justify interference with local legislation became apparent.

SIR JOHN MACDONALD'S VIEW IN 1868.

On the 8th of January, 1868, Sir John Macdonald prepared a State paper in which he dealt with the question of disallowance as follows :

"In deciding whether any Act of a Provincial Legislature should be disallowed or sanctioned, the Government must not only consider whether it affects the interest of the whole Dominion or not, but also whether it be unconstitutional; whether it exceeds the jurisdiction conferred on the Local Legislature, and, in cases where the jurisdiction is concurrent, whether it clashes with the legislation of the general Parliament.

"As it is of importance that the course of local legislation should be interfered with as little as possible, and the power of disallowance exercised with great caution, and only in cases where the law and general interests of the Dominion imperatively demand it, the undersigned recommends that the following course be pursued :

"That on the receipt by your Excellency of the Acts passed in any Province, they be referred to the Minister of Justice for report, and that he, with all convenient speed, do report as to those Acts which he considers free from objection of any kind, and, if such report be approved by Your Excellency in Council, that such approval be forthwith communicated to the Provincial Government.