passed on the 31st of March, 1890. On that very day the Lieutenant-Governor communicated with the government of Canada, inclosing a petition from various persons in Manitoba asking that the Crown exercise its right of veto. Even before the bill was passed, the attention of the Ottawa government was called to its introduction in the local House, for I find a correspondence dated prior to the time when the Act received the assent of the Lieutenant-Governor. If the matter had been then and there referred to the Supreme Court, as under our constitution we had a right to do, that court would, no doubt, have dealt with it as they did later on, by declaring it to be *ultra vires*, and the difficulty would not have attained its present proportions. In order to show that it was the opinion of the government of the day that by a reference to the courts questions of this kind were not intended to be withdrawn entirely from the control of the executive, I will read some observations made by Sir John Macdonald when he accepted Mr. Blake's resolution with regard to this matter. He distinctly laid down the principle—and Mr. Blake also recognized it—that the government could only ask for advice, that they were not to be debarred by any decision of the court from considering the question—that, in fact, it was their duty to so consider it. I may say that Mr. Blake's resolution went this far, that on questions of this kind it was desirable to obtain the opinion of the court before the executive proceeded to action. Sir John Macdonald, the leader of the government at the time, said:

> Of course my hon. friend (Mr. Blake), in his resolution, has guarded against the supposition that such a decision is binding on the executive. It is expressly stated—and that is one of the instances which shows that this resolution has been most carefully prepared—that such a decision is only for the information of the government. The Executive is not relieved from any responsibility because of any answer being given by the tribunal. If the Executive were to be relieved of any such responsibility, I should consider that a fatal blot in the proposition of my hon. friend. I believe in responsible government. I believe in the responsibility of the executive, but the answer of the tribunal will be simply for the information of the government. The government may dissent from that decision, and it may be their duty to do so if they differ from the conclusion to which the court has come. There is another point in regard to which the court must be guarded in the measure which will be introduced—not this session but I hope next session—based on this resolution, and that is, that the answer, what ever it may be, should be considered in the nature of a judgment so far as to allow of an appeal to the Judicial Committee of the Privy Council.

Had that question been promptly referred to the Supreme Court, as it might have been under the law, and had that court given the decision which it afterwards rendered, that the law was *ultra vires* (a decision which was afterwards overruled, however, by the Judicial Committee of the Privy Council) the government of Canada would have certainly been forced to obey, and I am quite sure had it been foreseen that all this confusion would have arisen that line would have been taken. I do not know that it is necessary to comment further on this part of the subject, because I trust that no case of the kind will ever arise again; but if a case of this sort were to happen in the future, it would be infinitely better to prevent such an unhappy agitation as has taken place over this question. Had the Act of the Manitoba legislature been vetoed at the time it was passed, there would have been no agitation in the country, because the great body of the people then believed that it was *ultra vires*. There were then living witnesses who could testify to the rights of the minority under the constitution, and we had Sir John Macdonald's own statement over and over again that it was *ultra vires* of the legislature of the province of Manitoba to pass that Act. I say, therefore, that it is most unfortunate that a different policy was not adopted. Should similar cases arise in the future, we ought to settle them at home and abide by the decision of our own Supreme Court, rather than submit them to the Judicial Committee of the Privy Council, who do not understand our constitution as thoroughly as does our own court. I trust that when kindred questions arise we shall settle them for ourselves and avoid a reference to the court on the other side of the Atlantic which, according to the proofs we have had in the past, has not a proper comprehension of the Canadian constitution. Any one who has read the first judgment of the Judicial Committee will appreciate what I say. They mixed up parliaments and legislatures without evidently having a clear idea of the lines of distinction between the two, and hence I think in future we ought not to submit important questions like this to a body that takes so little interest in our constitutional affairs as to create the con-