

Mr. MILLS (Bothwell). The hon. member for South Oxford never could have committed himself to so absurd a proposition. It is a proposition in face of the law of the land. It is a proposition which that hon. gentleman could not for one moment have seriously defended. My hon. friend from South Oxford is not so much in the confidence of the Government, nor does he approve so highly of their course, that he will attempt to extenuate a violation of the law of the land on behalf of hon. gentlemen. So that the hon. Minister of Finance must have fallen in this matter into some misapprehension, as to the observations addressed to the House by the hon. member for South Oxford. That hon. gentleman passed them over, not because they were not violations of the law of the land; he said that every one of them was a violation of the law of the land, but he pointed out that there were other far more serious and glaring violations of the law, and it was to them that my hon. friend addressed himself, and it was to them that he especially directed the attention of the House. We find here any number of Governor's warrants, issued for enormous sums, on the 14th of April, after Parliament was in session. There is no argument which could be advanced in favor of the issue of the Governor General's warrants, under these circumstances, that would not apply twenty days after Parliament was in Session, as well as the second day after it was in Session. There is not a reason in law or parliamentary government that the hon. gentleman could assign in defence of such an appropriation, that would not apply to the whole of the moneys required for the public service for the twelve months of the year. Why, Sir, hon. gentlemen need only look at these appropriations to see that they are not such as were contemplated by the law—not such as the law was intended to meet. They are not of the class that the Act put upon the Statute-book was intended to enable the Government to deal with. These are ordinary appropriations for ordinary purposes. If they are extraordinary appropriations for extraordinary purposes, they are for purposes that Parliament itself might not approve of, and, that being the case, the hon. gentleman has really made no defence. The Government have openly and flagrantly violated the law of the land and set it at defiance; and the hon. gentleman, in reading over the list, in giving information which we have already before us in the printed paper, is not making a defence of the Administration; it is no defence of the conduct of the Government to say that these appropriations have been made. Why, we know that. But we see here that they were appropriations, many of which were made after Parliament was convened, when this House was in Session, when neither His Excellency alone, nor His Excellency with the assistance of the thirteen gentlemen who are his advisers, had any authority to take any action. Not a dollar had they the right to take from the public Treasury, under the authority of the law, and every dollar which has been taken in that way has been a flagrant violation of the law.

Sir JOHN A. MACDONALD. Unfortunately I was not present when this subject was first under discussion, and I lost—which I greatly regret—the speech of the hon. member for South Oxford. I was exceedingly anxious to hear that speech, but it is my loss, which perhaps I may repair by looking at it in *Hansard*. I shall, therefore, only speak of the one point which has been raised by the hon. member for Bothwell (Mr. Mills), who says the Government have acted flagrantly in violation of the law, because money has been issued on warrants dated on the 14th day of April, Parliament having met on the 13th day of April. That, I think, is the charge made by the hon. gentleman as being conclusive proof of the illegality on the part of the Government, in issuing warrants on the 14th day of April. Well, I do not wish now to discuss the question as to whether any of these warrants which have been issued were

improvidently issued, or issued contrary to the spirit of the law or not. I am not able to discuss that point, not having been present during the previous part of the debate. But I think the hon. gentleman will admit that although the Government may have acted very improperly, a warrant dated on the 12th of April would be legal.

Mr. MILLS (Bothwell). It might be—not necessarily.

Sir JOHN A. MACDONALD. It would be legal, although it might be very improvidently and improperly issued by the Government. It would not be a breach of the law in any way. Now, I contend that the hon. gentleman has misread the clause, and that the law does not say that the warrant is not to be issued while Parliament is sitting. What it says is that the Order in Council authorising the issue of the warrant shall be issued during the recess; the warrant may be issued any time afterwards. I will read the clause to the House, and they will see that it is so:

"If when Parliament is not in Session any accident happens to any public work or building which requires an immediate outlay for the repair thereof, or any other occasion arises when any expenditure not foreseen or provided for by Parliament, is urgently and immediately required for the public good, then, upon the report of the Minister of Finance and Receiver General that there is no parliamentary provision, and of the Minister having charge of the service in question that the necessity is urgent, the Governor General in Council may order a special warrant to be prepared."

So that whenever the Minister goes to the Governor in Council, when Parliament is not sitting, and states that an interest is urgent and that there is no money in the Treasury, and the Finance Minister says there is no appropriation out of which that urgent need can be supplied, then at any time during the time Parliament is not in Session the Governor General may legally issue his warrant; and the fact that the warrant, the mere paper, is not signed until afterwards, is a matter of no consequence whatever. It is like the appointment of a man to hold any office under the Crown. The moment the Order in Council says he is appointed, he holds his office, although the commission may not issue for twenty years afterwards. And so, in this case, the moment the Order in Council is signed, that is an appropriation of the money; it is quite legal and does not come under the technical point taken by the hon. gentleman. The hon. gentleman's point, as I understand it, is this—that supposing the case is urgent and the money is wanted at once, supposing there will be great loss to the country if the warrant is not issued, yet if the warrant happens to be issued after the 13th of April, when Parliament is sitting, that is altogether illegal. I do not think that is good law, nor is it common sense.

Mr. DAVIES. The First Minister arrived in the House at such a late stage of the discussion that he evidently has not understood the position taken by the hon. gentleman who made the motion. The main objection which has been urged is not that the ministerial act of signing the warrant took place after the meeting of Parliament and after a proper Order in Council had been passed. That is a mere ancillary point, and may or may not be correct. I am disposed to think myself that if a proper Order in Council had been passed, the mere affixing of the signature of the Governor General, while Parliament is in Session, might not invalidate it. But surely the hon. gentleman understands that that is not the point which has been pressed here. The point submitted by the hon. member for South Oxford was this: that a large sum of money, amounting to \$2,000,000, has been paid by Governor General's warrants, and while a portion of that money—and he singled out some of the items—might be justified, it was clear that a large portion of it was issued unjustifiably and illegally. The hon. gentleman went through the list, gave the items, and asked for explanations; and certainly, if there were circumstances which in any of these cases justified the Order in Council, we would have heard those circumstances detailed by the