

power of examining witnesses upon oath before committees, generally, but was confined to Committees on Private Bills. This legislation I therefore hold to be *ultra vires*, and beyond our powers as defined in the constitution and charter of our liberties. We have not the same original power as that claimed for the British Parliament. Our constitution, a written one like the American constitution, is limited by the British North America Act, and if we go beyond it to meet the exigencies of the hour we establish a precedent that may be invoked hereafter by a majority in cases where much greater injury would be involved. There is another difficulty in passing this Act without a suspending clause arising from the Royal Instructions, 8th paragraph, clause 7, requiring that "any Bill of an extraordinary nature and importance affecting the prerogative, &c., shall be reserved for Her Majesty's assent." I, however, merely refer to it, as that is a matter purely for the consideration of the representative of the Sovereign.

Hon. Mr. LEFELIER DES ST. JUST— I cannot agree with the hon. gentleman who spoke last. In the first place, I don't believe the hon. Postmaster General would have taken charge of this bill if he had not been convinced he was acting in accordance with the constitution, and the more so as it was passed in the other House without dissent. The remarks there made as to the unconstitutionality of this Act were set aside as worthless. There is a distinction to be drawn between the two clauses of the B. N. A. Act just cited. Clause 91 says the three branches, the Queen, Senate and Commons, may make laws for the good order and peace of the Dominion, in all cases not assigned the Local Legislatures; but clause 13 does not affect Parliament as a whole, but only the two chambers. It is provided here that the privileges, immunities and powers are to be held and exercised by the Senate and the House of Commons, not jointly with the Queen, but separately, which makes quite a different thing. The privileges and powers conferred and to be exercised in Canada, cannot exceed for any of the two Houses, those of the British House of Commons. We speak not of the whole Parliament, but only of the two branches, the Senate and Commons; whilst in the other case it is the powers of Parliament itself that are dealt with, the Queen, Senate and Commons. Under these circumstances, it is by the 91st clause that we are to be guided, and, inasmuch as by it power is given to make any laws not assigned specially to the Local Legislatures,

and this Bill touches a question of order and good government, it falls within the general category of those to be disposed of by the Parliament of Canada, the Queen, Senate and Commons. But leaving aside the question raised by the honorable gentleman opposite (Mr. Dickey) which I won't treat as a quibble, but certainly a nice fine point—perhaps rather fine when the Attorney General and all the Ministers and lawyers of the other House consented to the Bill being passed—when the Ministry, the guardians of the constitution, accept the responsibility for this Bill here, also, we are quite safe in saying it carries no danger to that instrument. Moreover what harm could result from passing this Bill? None whatever. When there is no danger evident, and no cause for hostility, why should we say we have no jurisdiction as to the Bill? Was there doubt on the point raised? Jurisdiction has been granted by the 91st clause of the Union Act. The precedent of the British Parliament is with us in this matter—the House of Commons having decided to exercise the power of swearing witnesses, and an Act having passed the Imperial Parliament to that effect. The Bill was brought into the Commons in 1871. It passed there without any discussion, and in the House of Lords without difficulty. It is because it was the will of the Parliament of Great Britain, more than a right inherent in one branch of the Legislature that this could be done. I do not say the Commons had no inherent right to swear witnesses, but they concluded they had a right to claim it, and passed an Act accordingly by which the power was granted or assumed, and now witnesses on certain occasions are sworn by Parliamentary Committees. As to the reasons for this Act, considering the report of a select committee of the Commons, we see very many. It was acknowledged by Sir Erskine May that it was a necessity to have such a right, but that it should be granted by a statute. With these considerations we may dispose of the present Bill, which will be of as much advantage to the country as that of 1868. Had we more power then? Our charter has not been enlarged or diminished. Then we passed an Act empowering certain committees to examine witnesses on oath. As to referring this proposed Act to the Queen for her assent, I think this advice rather premature, and that the Government will not see fit to take steps to delay its passage, but rather advise His Excellency's immediate assent. (Hear, hear.)

Hon. Mr. BUREAU said, section 18 of