consent of the Senate and the House of Commons of Canada, enacts as follows:

"Witnesses may be examined upon oath at the bar of the Senate, and for that purpose the Clerk of the House may administer an oath to any such witness."

The only power the Senate has to receive evidence under oath is under that statute, and it had to be ratified by an act of Imperial Parliament. That is the position before a committee is struck; after the committee is struck clause 2 provides that:—

"Any select committee of the Senate to which any private bill has been referred by that House may examine witnesses on oath upon matters relating to such bill, and for that purpose the chairman or any member of such committee may administer an oath to any such witness."

As I said just now it was found, sometime afterwards, that we had exceeded our powers in passing that act. The powers and privileges of the Parliament of Canada were by the Confederation Act restricted to those enjoyed by tne Imperial Parliament, and it was not until after that date that the Imperial House of Commons possessed the power to examine witnesses under oath. Some time afterwards an act was passed which vested in the Parliament of Canada the same rights and privileges that might be enjoyed by the Imperial House of Commons at the time of the passage of any act of the Parliament of Canada. The clause of the Confederation Act was repealed, and the one under my hand was substituted for it. The matter is so well known to the hon. Minister of Justice that it is unnecessary for me to read it, and a subsequent clause was passed to the effect that the act passed in 1868 to provide for oaths to witnesses being administered in certain cases for the purposes of either House of Parliament, should be deemed to be valid, and to have been valid from the time it was assented to by the Governor General, thereby giving validity to everything that had been done by the Parliament of Canada under the act of 1868, and being to all intents and purposes a retroactive statute. This is the way in which the law stands at present. There is no power to administer an oath to be used here except for evidence to be taken at the Bar of the House, which oath is to be administered by the clerk; but after the striking of the committee, then under the provision of the law, the committee, or any member of it, has power to administer the oath. It is evident therefore, that in a matter which is, as I have said, more a judicial investigation than a legislative proceeding, our powers are so clearly defined that it is almost impossible for us to mistake them. As I remarked just now, it may be said that this course has been followed, on previous occasions. I admit that it has—not without objection—but the fact that those cases have been cited as precedents in favor of such irregularities renders it all the more necessary that it should be the duty of the Minister of Justice to see that these irregular proceedings go no further. Our rules, of course, are directory in regard to the taking of oaths. It cannot be said that this House or either branch of Parliament would have the power to make any rules beyond the authority given by the statute. Any rule of ours with regard to the taking of evidence before a committee of the Senate would be a nullity and void, because there is no authority under the constitution to do it, and nothing less than an act of the Parliament of Canada can make any regulation or direction of that kind; but it is clear, from the express words of the statute, that the intention was that the evidence should be taken at the bar of the House. How was the evidence given here the other day with regard to the service of this notice? By an affidavit read at the table of this House,—I do not call it an affidavit: it is merely waste paper: it is no more an affidavit than if it had been sworn before a messenger of the Senate. That is the only evidence of the service of the notice.

HON. MR. PLUMB—The affidavit is taken before a commissioner for the County of Grey, in the County of Essex. He had no authority to take an affidavit outside of the County of Grey.

HON. MR. MILLER—That would be a fatal objection, I may say, but I do not rest my objection on simple technicalities. It could not be read in any court in this country, because it is not entitled in any court. Every lawyer knows that an affidavit must be entitled in a court to make the deponent liable for perjury. Perjury is a clearly defined crime, the character of