

like to know whether this Parliament should not have the benefit of the advice of Her Majesty's Privy Council, to whom there is an appeal in such cases. Every one knows that there is no time to get a hearing before the Supreme Court and a judgment, and much less is there time to get a revisory decision of the Imperial Privy Council on the question. This House has reason to know—it has come before their notice often—that Her Majesty's Privy Council does not always, in constitutional questions, entirely agree with the views of our Supreme Court. It is perfectly clear that it never was intended by the statute that this case should be heard without leave to appeal from the judgment of the Supreme Court. But, I do not think there is much fear of that; because, Mr. Speaker, I am perfectly satisfied, that if a reference of that kind were made to the Supreme Court they would decline to act. And why? Because an infinite variety of private rights are involved in the validity or non-validity of the Acts of this Parliament, and litigation might arise, and would be sure to arise before the courts of this country, and the Supreme Court would have to give decisions in cases of that kind. And a case has arisen already. I understand, questioning the right of the sitting member for Algoma to sit and vote on grounds which would be involved in this proposed reference.

Then, again, all the seats, more than sixty, for which you, Mr. Speaker, issued warrants for elections might be held to have been illegally occupied; and what about the actions which might be brought against the gentlemen who are usurping seats in this Parliament under those improper warrants, if they are improper? Is there not there a case for litigation, which the Supreme Court would know of from the facts, and would expect? I find that the Supreme Court, in an infinitely more trifling case than this, has taken that ground. I find in Bourinot's book, page 685, this statement in regard to a reference to the judges of a private Bill from the Senate:

The judges in their report on the Bill excused themselves from answering, on the ground that it affected private rights which might come before the court judicially.

I say, therefore, that it is impossible to expect the Supreme Court to entertain this reference for one moment.

But there is a simple way of settling this matter. If this House of Commons has doubts of the legality of its continuing to sit after the 25th April, 1896—and I think we all have—then the simplest way to set those doubts at rest is for this House not to sit after that date. What earthly object can the Government have in view in suggesting a reference of this question to the Supreme Court? If they did so, they would take all the risk, the serious risk, of throwing grave doubts upon our solemn Acts of Parliament. They would do that simply for the purpose of gaining a little time, if by

chance they might get a technical decision in their favour, so as to put off the appeal to the people, which certainly has been long enough delayed now. Having squeezed six sessions out of a five-year Parliament, the Government would seem to raise a legal quibble in order to prolong the sixth session still further. Now, Sir, I say that no doubt whatever exists as to the day of the expiry of the life of this Parliament being the 25th of April next. I say that is the plain reading of the statute law and of the proclamations. I say that the actions of the Crown support that view, not only in the proclamations, but in the calling Parliament together, the meeting Parliament, the asking this House to elect a Speaker, the receiving that Speaker, the issuing an Address to this Parliament, and the sanctioning all the legislation of the first and every other session of this Parliament. I say that the Acts of the Crown, as well as our own Acts of Parliament and all our proceedings cannot have been idle. We are not the people to admit that they were idle and were not legal. No legislature in the world ever was asked to make such an admission against its own solemn Acts of legislation. Then I say that to raise even a doubt by such a reference would be for the responsible advisers of the Crown a politically criminal act, a most serious outrage upon the constitution of the country. And I say that the reference to the Supreme Court would be utterly nugatory, at any rate, because they have no time to determine it, because they would refuse to consider it on account of the private rights involved, because there is no time for an appeal to the Privy Council, and at least, and last, because the decision, if they gave one, would be only advisory, and would still throw upon Parliament the responsibility as to what should be done. For these reasons, I sincerely hope that this matter which the Government announce they have under consideration, will be speedily dropped, and that Parliament and the people may not be asked to approve of the proposed reference. I move, Sir, that the House do now adjourn.

Mr. DICKEY. Mr. Speaker, the subject which the hon. gentleman has raised is undoubtedly one of very great interest and also of very great importance. I do not propose, at this stage, to discuss the merits of the matter, in the way of expressing any opinion of my own upon it. It seems to me that would be quite premature, in the view I take of it. It is also quite clear, Sir, from the hon. gentleman's own argument, that the question he raises is purely a question of law; it is a question that depends upon the construction of the constitution, in view of certain facts which are undisputed.

Mr. MILLS (Bothwell). Parliamentary law.

Mr. DICKEY. It may involve parliamentary law, Sir, but it is primarily a question