

The SPEAKER—Shall this be taken as a notice of motion? It is simply a motion to refer to the committee. It does not require any notice. However, I suppose it may go as a notice for Thursday next.

Hon. Sir MACKENZIE BOWELL—It is not strictly in order. According to the notice of motion which the hon. gentleman has given, if I understand the question, the Hon. Mr. Curry was appointed and his commission was signed by the government, but he has never taken his seat and has never been sworn in. Is he de facto a member under the circumstances? I suppose this is the only mode of vacating his seat. Is that the reason this course is adopted?

Hon. Mr. CASGRAIN (de Lanaudière)—He has not signed the roll.

Hon. Mr. SCOTT—That would make no difference. He was appointed by Order in Council and the Order in Council was approved by His Excellency. He was gazetted as a senator.

Hon. Mr. MILLER—Has the hon. gentleman asked the opinion of the law officers of the Crown on the matter?

Hon. Mr. SCOTT—I did not. I think my own experience of parliamentary law is quite sufficient for the occasion. I thought at first he was not a senator; but when we came to consider that he was appointed by the only authority that could appoint a senator and we could not appoint anybody else in his place, he certainly remains a senator until he is excluded by our own rules, because at any time last year he could have come and signed the roll and taken his place. We could not have appointed anybody in his place. That would be one of the tests.

Hon. Sir MACKENZIE BOWELL—I do not suppose the fathers of confederation ever contemplated such a case.

Hon. Mr. FERGUSON—It seems extraordinary that his resignation has not been obtained. Surely if we are qualified to deal with him as a senator, it would be competent for him to resign.

Hon. Mr. SCOTT—I asked repeatedly for a year if we were going to obtain his resignation, and he said he had not accepted the appointment and was not bound to give any resignation.

A QUESTION OF PRIVILEGE.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I wish to direct attention to a report of our proceedings of yesterday which appears in the government organ in Montreal.

Hon. Mr. POIRIER—What paper is that?

Hon. Mr. LANDRY—'Le Canada.' In reporting the proceedings of yesterday the organ says:

The Hon. Mr. Landry complained of the manner in which the presentations of the new members in the Senate had appeared in the Minutes of Proceedings. He objected to the name of Mr. Choquette coming immediately after the Hon. Sir Richard Cartwright's, when he had been the last presented.

That was not the objection I took. My objection was that the Minutes of Proceedings were not in accord with what had taken place, but that I was satisfied they were in accord with the 'Official Gazette', which put the Hon. Mr. Choquette second on the list. When I made that remark the Hon. Secretary of State told me that the Hon. Mr. Choquette had not been named second, but had been the last named. I referred him to the 'Official Gazette', in which it appeared that Hon. Mr. Choquette had been named the second.

Hon. Mr. SCOTT—I am glad the hon. gentleman has called my attention to this matter. I had intended to-day, before the Orders of the Day were called, to have explained that I made a great mistake yesterday inadvertently. Having been present when the appointments were made, I was under the impression that they were made in the order I have mentioned. In order to ascertain whether my memory was correct or not, I made an examination after leaving the chamber and found that I was in error, that Mr. Choquette came immediately after Sir Richard Cartwright. The four gentlemen were appointed on the same day, Sir Richard Cartwright first, Mr. Choquette next, then Mr. Ross, and then Mr. Davis. I felt it my duty to take the earliest opportunity to make this explanation to the Senate and apologize for my error of yesterday.

THE ADDRESS.

MOTION.

The Order of the Day being called:

Consideration of His Excellency the Governor General's speech on the opening of the first session of the tenth parliament.