stand that I have as high a regard for the dignity of parliament as any man, but I am also conscious of the fact that the abuse of power, whether with respect to honours and awards or in any other regard, is something against which every sound constitutionalist must raise his voice, because an abuse by the Commons House of Parliament is no less an abuse for the reason that it is done by the elected body and not by the appointed. It might be well always to remember that fact. It was Coleridge, J., who put it so powerfully, in words that have been quoted with approval throughout the years for nearly a century—words that should be constantly in our minds—that if one branch of parliament, by passing a resolution, can either restrict or restrain or amend the law, or change or alter in any respect the provisions of the common law which comprise the prerogative, then, as he said, without the least exaggeration, there is nothing dear to us, our property, our liberty, lives or characters which, if this proposition be true, is not by the constitution of the country placed at the mercy of resolutions of a single branch of the legislature.

Such is not the law of Canada; it has never been the law of Canada; and when this House of Commons passed a resolution asking His Majesty to refrain from exercising his prerogative it attempted to do something which it was wholly powerless to do. I suppose that someone will say, "Why was that not thought of at the time? There were in the house at that time, Mr. Bennett, constitutional lawyers just as good as you." Well, I have learned that in the stress and strain of parliamentary life many things are overlooked. For instance, during my short tenure of office I came across an order in council appointing an administrator following the death of a lieutenant governor. Everyone knows that cannot constitutionally be done; everyone knows that you cannot appoint an administrator when the lieutenant governor dies. But there it was solemnly done and the chief justice was appointed administrator when the lieutenant governor was dead, the appointment reciting that the lieutenant governor was dead and that the chief justice was to remain administrator until a new one was appointed. I fancy it is not stating the position too strongly to say that many people were greatly disgusted with the discussions that took place in connection with that resolution, the circumstances in connection with it, the way in which it was discussed, the lack of, shall I say, control of the situation by the government itself. Look at the language that is used: a prohibition against the sovereign exercising his prerogative. That is all.

I shall point out presently that within the last two weeks when Lord Salisbury was moving his motion in the House of Lords, the question became acute and the Marquess of Reading, one of the most eminent lawyers of his time, gave his opinion as to the proper method to be pursued in dealing with questions of the prerogative. He said that not only did it require the royal assent by statute to destroy the prerogative, but the consent of the crown to the introduction of a measure to do this should first be received; because he realized, as everyone now does, that the prerogative under modern practice where the executive acts under the advice of the administration, is the bulwark of protection for the subject himself. When the matter came up, the question whether Lord Salisbury's bill could be given its first reading until after an address had been passed and leave given him by the crown to introduce it, became acute, and after some discussion Lord Ponsonby of Shulbrede, leading the opposition, opposed the granting of the power. Then the Marquess of Reading took the matter in hand, as did the former Lord Chancellor, Lord Hailsham. When the discussion proceeded, it was found on an examination of precedents that the situation was somewhat different from what had been expected. The Marquess of Reading, as reported on column 594, said:

> My lords, I desire on this point to add a few observations because, owing to the courtesy of the noble lord who has just spoken, I was informed of the course he intended to take and I have devoted such time as was at my disposal to examine the precedents in order that we might see how the matter stands. It cannot be doubted by your lordships that any bill which will affect the prerogative and powers of the crown must receive the royal assent before it is passed in parliament. The question that is raised to-day is of a somewhat different character, as I understand it, and one for which undoubtedly there is very notable precedent—that is, that there should be a motion for an address to the crown for permission to consider the restriction or alteration of the prerogative of the crown. As I understand the precedent there has been much discussion on the subject—not as to the actual existence of the obligation of parliament to have the assent of the crown before a bill is passed; that I assume will be quite beyond dispute. If we consider this bill, which we have not seen but of which we have had some indications in the press, it seems apparent, particularly if it is to follow the lines of former bills, that if passed it would curtail and restrict the prerogative of the crown. First it would prevent the creation of new peers of parliament and it would also limit the right of summoning peers to attend parliament. Therefore it does—and I should think this would not be controverted—affect the prerogative.
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> The question to which I desire to address myself, and to give such information as I can to your lordships upon a subject which affects our