

expenses. By accepting the \$5,000 he was saved expenses which, as a Minister, he would have incurred; so, in fact, he received \$5,000 in the shape of emolument and profit. Therefore, upon the ground of having accepted this sum, apart from the other consideration, his seat in this House is vacant. Now, Sir, speaking with regard to the time when the office becomes vacant, I find that in the case of Mr. Phinn, who was appointed Secretary of the Admiralty, it was held that the appointment, being vested in the Board of Admiralty, it was not an appointment under the Crown, and yet Mr. Phinn felt himself called upon to resign his seat, and to accomplish this he accepted the Chiltern Hundreds. It seems, however, that he did not receive notice that the office was conferred on him, and Sir Fitzroy Kelly, speaking of this matter, said:

"According to law and the invariable usage of the House, whenever an office was granted under the Crown and the person had intimated his acceptance of it, from that moment his seat was vacant and a writ was moved for as soon as possible."

So that on every ground it is perfectly obvious that Sir Charles Tupper has vacated his seat as a member for Cumberland, because he accepted an office to which a salary is attached, and the moment he accepted that office he vacated his seat. He vacated his seat because it is an office of emolument, and beyond all doubt in the matter it has been made vacant, if it was not vacant before, by the acceptance of the money he received as profit in connection with this office, to enable him the more efficiently to discharge his duties. Now, I was rather surprised by the observation made by the First Minister, in reply to my hon. friend from Lambton (Mr. Lister). My hon. friend referred to a letter which was read here, from Mr. Todd, and he pointed out, that the letter showed that the Minister had not accepted his seat in this House inadvertently. The leader of the Government said that the letter was dated in December. It is true that the letter does not show that he had consulted Mr. Todd at the time the office was accepted. That was not the point. But the letter disclosed this fact, that the subject was one of discussion, one which had been brought before the public, that Mr. Todd was so strongly impressed with the serious character of the question that he believed that it would be the subject of discussion in this House, and he addressed that letter to the Minister on the 27th of December. The House did not meet until the 17th of January, and unless we suppose that the Minister had no conversation or discussion with his colleagues on this subject, it is perfectly obvious that for nearly a month before the House met the subject was one of discussion between the First Minister and the Minister of Railways. So he did not take his seat in this House inadvertently. He did know that his right to sit here was questioned. He did know that it was held by many that it was not right to sit here, that the seat for Cumberland was vacant, and that a new writ should issue. Now, Sir, there is no analogy between this case and the case of a casual appointment for a specific purpose. Take the case of Mr. Cobden, for instance, who, while a member of Parliament, was appointed to assist in the negotiation of a commercial treaty with France. Upon that subject, Lord John Russell, when the matter was brought before Parliament for consideration, said:

"It is a specific matter in which he does not act as Plenipotentiary; but if any convention should ensue, Mr. Cobden will be associated with Earl Cowley in that convention. It is very properly said that the British Government ought not to depend on volunteers. There is no salary for a person on a special mission, but it is proposed that the expenses of Mr. Cobden, while on that mission, shall be defrayed out of the public purse."

He undertook certain specific duties, limited in their character, which he was called upon to discharge, and his expenses, his actual disbursements while engaged in the discharge of those duties, were paid for him out of the public Treasury. He received no profits, no emoluments; he was merely protected against absolute loss. But the pre-

sent is a wholly different case. Here the Government have thought proper to submit a Bill to Parliament declaring that it is necessary to have a permanent officer in England, declaring what his functions shall be, declaring how he shall be appointed, and upon what conditions he shall hold that office, and declaring that that office shall be an office of emolument under the Crown. To that office they have appointed Sir Charles Tupper, and having so appointed him, it is perfectly obvious that his seat in this House has, in consequence of that appointment, become vacant, and that a new writ should issue for the election of another person to fill it. Then I observe, it is proposed by this Bill to declare that Sir Charles Tupper—to remove doubts in the matter—shall be the member for the county of Cumberland. Let me call the attention of the House to the provisions of the British North America Act on this point. Section 37 of that Act provides, that the House of Commons, shall, subject to the provisions of this Act, consist of a certain number of members, which are therein specified, and that Nova Scotia shall elect a certain number of those members. It states the number at that time to be returned from Nova Scotia, and the number of districts into which Nova Scotia shall be divided; and it states the conditions upon which an additional number of members may be given to that Province. Then it goes on to state that each of the eighteen counties of Nova Scotia shall be an electoral district, that the county of Halifax shall be entitled to return two members, and each of the other counties one member. Those are the provisions of an Imperial Statute. That Statute authorizes us to substitute other provisions for these on certain conditions. What are the other provisions? They are that every ten years after taking the Census, the representation shall be distributed in proportion to the population amongst these various Provinces. But it does not give us power to deal with this country as a unit, or to deal with this subject in the same way as it might be dealt with by the Imperial Parliament, which has no such restriction, no such Statute standing above it. It does not give us power to alter the law except on particular conditions and in a specified way. The seat for Cumberland is vacant. By this Bill it is proposed to put a member in that seat. Who elects that member? Sir, it would be those who vote in this House and in the other Chamber. Are they Nova Scotians? Do they belong to Nova Scotia? Are they the constituents provided for by the British North America Act, acting under its authority and subject to the limitations it imposes? Not at all. Those who will vote for the Bill and elect Sir Charles Tupper to the seat he has vacated, are not Nova Scotians at all. Some are from British Columbia; some from Ontario; and some from Quebec. These are the electors who are called upon to elect Sir Charles Tupper to the seat he has vacated by his acceptance of office. Why, Sir, if we can elect Sir Charles Tupper, we can elect somebody else. Were we to strike out the conditions relating to his appointment and his election to the seat for this constituency, we might provide that not Sir Charles Tupper, but somebody else, might be elected to that seat. We might provide that some resident of some other Province shall represent this particular constituency. There is no limitation to our authority in this matter if we propose to depart from the provisions of the law. Then, Sir, there is the question of policy, to which I referred this afternoon. The Government propose by this particular measure to radically change the policy of our law. It is not simply this one case or this particular constituency which will be affected. The whole law, not only with regard to representation, but with regard to official appointment, will be changed. Your predecessor, Sir, I believe, now holds the office of Collector of Customs at Quebec; but, according to the rule laid down in this Bill, that hon. gen-