

who will faithfully discharge their duties in relation to it ; and I am certain that whichever party is in power, they may be entrusted safely with that duty. I was glad to learn from the Solicitor General that he intends to protect these parties, and that he is going to provide for maintaining their rights as electors. But what position does that put him in with the hon. member for Lambton (Mr. Lister), and with the hon. member for Brant (Mr. Heyd), if the rights of the Indians, which it has been proved they have exercised wisely and independently, are to be taken away because the legislation in Ontario does not preserve them. How is it that the Solicitor General is going to make fish of one and flesh of the other? How is he going to restore the franchise to these men from whom it was thus improperly taken away, so improperly that this Parliament had to interfere in order to restore it? I still hope that my right hon. friend and the Solicitor General—the latter I see has given this measure a great deal of careful consideration—will seriously consider whether it is yet too late for us to look calmly at that question with a view of finding whether we cannot arrive at some general principle that will enable us, while avoiding the great expense attending the operation of the late law, and making the lists of the province the basis of the franchise, will yet preserve federal control over the franchise under which our members are elected, and which I consider absolutely indispensable, after what we have seen in the various provinces, to the independence and freedom of this House.

The PRIME MINISTER. My hon. friend has dilated at considerable length on a question which is not before the House. The only question which we have to deal with at this moment is the amendment moved by the hon. member for Brant (Mr. Heyd) regarding the franchise to Indians.

Mr. FOSTER. Would my hon. friend allow me—is that the correct rule? We have a substantive motion which we are discussing, an hon. gentleman has moved an amendment to that motion. Does the right hon. gentleman contend that we have no right to discuss the substantive motion on the amendment which has been proposed, and that we must confine ourselves entirely to the amendment?

The PRIME MINISTER. That is my opinion.

Mr. FOSTER. Then I will ask the ruling of the Chairman with reference to it.

The PRIME MINISTER. If my hon. friend will refer to the debates of 1885, which I have reason to remember, because at that time I sat on the other side of the House, he will agree with me that we were rigidly confined to the amendment which was under discussion before the Chair.

Sir CHARLES TUPPER.

The CHAIRMAN (Mr. Campbell). I think the Chairman read the whole of section 5, and this is an amendment to that whole section. Therefore I think that the whole section as well as the amendment are under consideration.

The PRIME MINISTER. My hon. friend appealed to me in the name of Liberal principles not to allow a class of electors, the Indians, to be disfranchised under this new Act. Sir, I cannot but feel flattered at the encomium which was passed by my hon. friend upon Liberal principles, but I differ from him in toto in the application of those principles. He applied them, not as a Liberal but a Tory. I noticed that in one part of his argument he spoke of a decision rendered by a judge against the interest of his party, and he used this expression, "though that judge was a friend of ours." Sir, this is not a Liberal principle, this is a Tory principle. A judge ought not to be the friend of any party. A judge is to administer justice according to the law, and to say upon the floor of Parliament that a judge—

Sir CHARLES TUPPER. Will my hon. friend allow me—I had the very highest authority in this country for characterizing a judge as a friend.

The PRIME MINISTER. I am not aware to what authority he is referring. But I know that when the hon. gentleman speaks of a judge as a friend of his party, there is no authority in this country, or in any other country, which can warrant such language. However strong a party man a gentleman may be before his appointment, the moment he ascends the bench he should leave behind him all the party proclivities which he entertained up to that time. My hon. friend appealed to me in the name of Liberal principles to retain the franchise to the Indians, and he exclaimed: What, is it to be the case that this so-called Liberal Government is going to disfranchise a portion of the electorate? Sir, this is not the question before the House. The question is whether this franchise is to be regulated by this Parliament or by the local legislatures, and upon that question we differ. The hon. gentlemen opposite have taken the ground that this Parliament should regulate the franchise, while we have taken the ground that the best method of dealing with it, in view of our complicated government under a federative system, is to have one uniform franchise for each province and for the Dominion, that is to say, that the same authority which regulates the franchise for the local legislature should also regulate it for the Dominion Parliament. Now, this is the principle upon which this Bill is based, and I claim that it is the correct one. The hon. gentleman stated a moment ago that such a system had never been seen in any part of the world. Why, Sir, he has only to go to the other side of the line where he will find that, though the people have dual legislatures,