

and Elections, who should consider also what the consequences are of a personal nature to the hon. gentlemen who sat and voted as stated. I propose, therefore, the following resolution :

“That the attention of the House having been called to the fact that Mr. Orton, member elect for the Electoral District of Centre Wellington, sat and voted in the House during the present session without having qualified himself to sit and vote by taking and subscribing the oath prescribed in the 128th section of the British North America Act of 1867, the matter be referred to the Select Standing Committee on Privileges and Elections, with instructions to consider and report to the House on the proper course to be pursued in relation thereto.”

This will place on record in our Journals that the matter occupied the immediate attention of the House, and the report of the committee will no doubt present some recommendation to the House as to the course to be pursued in order at once to vindicate the dignity and honor of the House, and at the same time not be personally unjust to any person who might by inadvertence have committed a wrong in this respect.

Hon. J. H. CAMERON said that after the hon. Premier mentioned yesterday, the case which had occurred in England, he took the earliest opportunity of looking into it, in order to ascertain precisely how the matter was, and found it was exactly as the hon. Premier had stated, viz., that it was under the effect of a law existing in England which for a time was allowed to lie dormant, but which was again revived. So far as he was able to judge that law was not in force in this country, but there were one or two very peculiar passages in our own statutes which certainly required that the course which the hon. Premier had proposed should be favourably considered, and the question referred to the Committee on Privileges and Elections. It would probably be found that there was not the personal liability to the penalty which was mentioned with relation to certain acts which were done by parties who sat and voted in the House under the circumstances stated. But there was even a doubt on that point; therefore there was no clearer course to pursue than to refer the question to the committee indicated. It was a matter of very great importance, and as this was the first occasion on which the attention of the House had been called to it, they ought to have a record on the

*Hon. Mr. Mackenzie.*

Journals to which they would be able to refer should a similar case again arise.

Hon. Mr. HOLTON thought the disqualification of the hon. member for Centre Wellington was wrought by the provisions of the British North American Act, and not by the provisions of our Independence of Parliament Act. It was under our Independence of Parliament Act that penalties accrue. It might be doubted, therefore, whether similar or perhaps any penalties arose under the other Act; but that was precisely the point which should be inquired into by the committee.

Hon. Mr. MACKENZIE said that the Independence of Parliament Act mentioned certain causes for disqualification in the first three sections, and by the sub-section of the fourth section the penalty was imposed. That sub-section says: “And if any person disqualified or declared incapable of sitting or voting, by the first, second or third sections, \* \* \*” The doubt arose as to the application of the word “disqualified,” but the researches of the committee might throw more light on it than was obtained by a cursory examination.

The motion was carried.

#### THE MILITIA AMENDMENT ACT.

Hon. Mr. VAIL moved the House into Committee of the Whole to consider the following resolutions:—“1. That it is expedient to provide that the officer to be appointed to command the Militia of the Dominion of Canada under Bill No. 4 ‘to amend the Dominion Militia and Defence Acts’ shall be paid at the rate of four thousand dollars per annum in full of all pay and allowances. 2. That it is expedient to provide that the Adjutant General of Militia at Headquarters, to be appointed under the said Bill, shall be paid at the rate of twenty-six hundred dollars per annum.” The hon. gentleman repeated the explanations offered by him on introducing the Act to amend the Dominion Militia and Defence Acts, in compliance with a request made by the hon. member for Northumberland.

Hon. Mr. MITCHELL said that the explanations of the Hon. Minister of Militia had fully satisfied him as to the propriety of the Bill, at all events so far as the changes proposed in regard to the officer in command and the change of title