

allowance, fee, stipend, everything that it is possible for the English language to express, is mentioned here, so that there could be no possibility of a gentleman in that position holding a seat in this House. The hon. leader of the Government stated the other night that his seat had not become vacant, and the hon. member for Jacques Cartier has said the same thing here to-day. If the seat is not vacated, why is this legislation asked?—why does the Government come and ask Parliament and say that Sir Charles Tupper is still a member of the House, if he is in fact still a member of the House?—why should the leader of the Government ask the House to pass this measure at all? But Sir Charles Tupper is not a member of this House, and the hon. leader of the Government knows that perfectly well. I will ask the attention of the House while I compare the language used by the hon. leader of the Government in 1877 with the language he used the other night. The hon. leader of the Government the other night stated:

"My hon. friend has been advised that he did not forfeit his seat. He has been advised that he is still the member for Cumberland and has every right to sit or vote; but the question having been raised in the public press, the hon. gentleman did not choose to record his vote and add to the weight of the opinion of this House on the great questions before it.

These are the words the hon. leader of the Government used the other night, and we find, on going back to 1877, that the hon. gentleman then, in the strongest possible language, opposed the measure which was then passed—a measure which proposed merely to indemnify hon. members of this House who had then unwittingly violated the strict letter of this Independence of Parliament Act; and that measure did not provide that they should retain their seats, but that they should go back to their constituents and be re-elected if their constituents still had confidence in them. This Act provides that Sir Charles Tupper shall not only be indemnified against the penalties provided for by the Act but further that he shall retain his seat in this House. This is a provision directly contrary to the Independence of Parliament Act; it is a provision which declares, in fact, that although Sir Charles Tupper is not a member of this House, he shall, by Act of Parliament, become one. I say that a Bill such as this is of a most pernicious character, a Bill which goes far beyond that which the hon. the leader of the Government opposed in 1878 in the strongest language possible. He said:

"If they allowed the Independence of Parliament to be infringed, and they took the ground that members of this House, who ought to know what the law was, were to be excused, the result would be disastrous, and there was no knowing where the thing would end."

We find further that the then hon. member for Compton used language equally strong. Now, if Sir Charles Tupper, in accepting this position, believed, at the time, he accepted it, that it was competent for him to do so, or if, in other words, he had, in the opinion of the leader of the Government, unwittingly violated the Act, there would be some reason for introducing a Bill to indemnify him. But what do we find? I charge Sir Charles Tupper with knowing that he was violating the Independence of Parliament Act when he accepted the position he had no right to accept, and I charge him with knowing at the time that in accepting it, he was vacating his seat. The hon. leader of the Government read a letter from Mr. Todd whom everybody recognizes as an authority on constitutional questions. In that letter, Mr. Todd gave him to understand that, according to Parliamentary practice in England, Sir Charles Tupper was not eligible for the seat, but he went on to say that he would leave the Canadian Statutes to be judged by Sir John himself, so we find that at very time the appointment was made, the Government had taken the precaution to consult Mr. Todd about it; and his letters intimated, as plainly as anything could, that, under the Canadian Statute, Sir Charles Tupper had no right to take his seat, because Mr. Todd said to the leader

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of the Government that as to that Statute the latter was perhaps a better judge than he. That is proof positive that these hon. gentlemen, at the time, had in view the eligibility of Sir Charles Tupper for that position, that they had considered the question, that they had read the Statutes—and there is no man capable of forming an opinion upon the Statute who could fail in coming to the conclusion that the appointment of Sir Charles Tupper was contrary to the spirit and intent of the Statute. Sir Charles Tupper accepted that position.

Sir JOHN A. MACDONALD. Mr. Todd's letter is dated 21st December, 1883.

Mr. LISTER. It shows, at all events, Mr. Speaker, that the hon. gentleman had some doubts.

Sir JOHN A. MACDONALD. I will read the first passage:

DEAR SIR.—As I observe in the newspapers, criticisms in relation to Sir Charles Tupper, Minister of Railways, and also High Commissioner for the Dominion, in England, continuing to hold his seat, and as it is probable the question of his right to retain his seat, will be raised in the ensuing Session, it occurs to me that you might like a reference to some English precedents bearing on the points."

He wrote that on his own accord.

Mr. LISTER. The hon. leader of the Government says he never consulted Mr. Todd, nor asked his advice, nor solicited the letter he has read here. I am bound to accept the hon. gentleman's statement, but I say that a lawyer, as astute as the hon. gentleman, as familiar with constitutional practice as he is, who has the vast parliamentary experience he has had, and in view of the discussion which took place in 1877, in which he then expressed the most decided views as to the right of a member of Parliament to hold a position under the Government, it is somewhat extraordinary that the hon. gentleman should have made this appointment. We find in the Order of Council that the hon. leader of the Government stated it was on account of Sir Charles Tupper's health that he was appointed to this position. Be that as it may, I say that hon. gentlemen opposite were bound to know the law, and the law is as plain as the English language can make it, that a person in the position of Sir Charles Tupper had no right to occupy the position of High Commissioner. Sir Charles Tupper's whole conduct from the time this Session commenced up to the present, has shown an unmistakable consciousness that he is not qualified to occupy his seat in this House. It is a scandal to this Parliament and to this country, that an hon. Minister occupying one of the highest positions in the gift of the Crown, the High Commissionership, should have been found sitting in this House, supporting measures from day to day, advocating them with all the power we know the hon. gentleman possesses, asking his supporters to support the measures he introduced, but which he himself is afraid to vote for—that itself shows the conviction Sir Charles Tupper felt, that he was not qualified to hold his seat in Parliament. Such being the case, he has no right to sit here, and hon. gentlemen opposite are doing a most grievous wrong to this House and the electors of Cumberland in providing that Sir Charles Tupper shall be a member of this House when, in fact, he has vacated his seat. If we look for one moment at the language of this Act, we see it is impossible to come to any conclusion other than that if Sir Charles Tupper accepted any emolument or allowance as High Commissioner, he vacated his seat. It is absurd for the hon. gentleman from Jacques Cartier (Mr. Girouard) to argue that because the word "salary" is used, every word following that must mean the same thing; that allowances must mean salary, that emoluments and fees must mean salary. The word "salary" is one thing and the word "allowance" is another. An allowance may be a salary or it may not,