

ago by the Imperial Parliament. In this matter we are guided solely by the Independence of Parliament Act, and that being so, the hon. Minister of Railways' case comes clearly within the Independence of Parliament Act. The rule that prevails in England has passed into law. A member there can occupy the position of a member of the Imperial Parliament, and at the same time hold the position of Minister Plenipotentiary or Ambassador. Here the law is different. Here we have no such law; here we have a law to prevent any such occurrence. The law in England has never been altered or changed, in that respect, although modified in perhaps a hundred different ways, in the last 350 years, and officials or gentlemen occupying the position to which I have just referred are still exempt from the operation of the Independence of Parliament Act. The hon. gentleman knows that in England the first law passed in the Imperial Parliament with respect to the independence of Parliament was, 23 Edward the Third. That prohibits "taxers, collectors or receivers of the fifteenth then granted" from sitting in Parliament. This continued the law and was practically unchanged up to 1709, when the Statute still in force, 6th Anne, c. 7 (1709), was passed, but through all the changes which have been made in England in the law for 350 years the law is unchanged with respect to members occupying the positions which Mr. Gladstone and Sir Stafford Northcote occupied, and on the authority of which the hon. gentleman (Sir John A. Macdonald) based the retention by the Minister of Railways of his seat in Parliament. This very question came directly before the Imperial Parliament in 1851. The Hon. Richard Lalor Sheil, then member for Dungarvan, was appointed by the Imperial Government to the distinguished position of Minister Plenipotentiary to the Grand Duke of Tuscany. On his acceptance of the office Mr. Sheil's seat was declared vacant, and it was moved in the Imperial Parliament that a new writ issue for a burgess to represent Dungarvan, and a new writ issued accordingly. The very day after the issue of the writ it was discovered that a mistake had been made, and that a writ should not have issued. A motion was made in the Imperial Parliament to issue a *supersedeas* to the writ for a new election for Dungarvan. Let us see on what ground the *supersedeas* was granted, because it was granted and the writ was recalled. Mr. Hayter, in making the motion, said:

"He was in error in moving yesterday a writ for this borough. He had moved it on the assumption that the Right-Hon. Richard Lalor Sheil, having accepted the office of Minister Plenipotentiary to the Grand Duke of Tuscany, had vacated his seat for the borough; but it turned out that this was a mistake, for on referring to precedents, it appeared that the seat was not vacated by the acceptance of that office. Therefore the only course now left him was to move that the order be *superseded*; and with that view he begged to move that the order of yesterday, the 4th instant, in reference to the writ be then read.

"The Clerk having read the order,

"Mr. Hayter begged to move,

"That the Speaker do issue his warrant to the Clerk of the Crown in Ireland to make out a *supersedeas* to the said writ for the election of a burgess to serve in this present Parliament for the Borough of Dungarvan."

Mr. Roebuck discussed the question somewhat fully, and Mr. Hayter replied, stating:

"The hon. gentleman wished to know whether or not the present course was that usually pursued. Now, he apprehended the usual course was, when an error had been committed, to rectify it as soon as possible. The fact would depend on the commission of the act. On reference to Hatsell, volume 2, page 23, there was this entry:

"On the 7th July, 1715, on a question whether Mr. Carpenter, having been appointed Envoy to the Court of Vienna, is thereby included in the disability of the 6th of Anne, chapter 7, it passed in the negative."

"There were several instances where gentlemen who were members of the House had discharged the duties of ambassadors also; there was the case of Mr. Canning, of Sir Robert Adair, and of Lord Barchinsh. Therefore it seemed clear that the mere acceptance of this office did not divest the ambassador of the character of member of this House.

Mr. French said:

"He thought the proceedings quite contrary to common sense, that an hon. member should accept an office of emolument and still retain (Mr. CAMERON (Huron).

his seat. Here was the acceptance of an office of emolument under the Crown, which would moreover leave the constituency unrepresented—Mr. Canning's was merely a temporary mission. It would be well if the Attorney-General explained."

And the Attorney-General did explain. He said:

"The House would be aware that by the Statute sixth of Anne, the acceptance of any office of profit from the Crown, makes the election void. The question was whether the acceptance of this office of envoy to a foreign court—such as had been accepted by his right hon. friend Richard Lawlor Sheil, came within the disability of the Statute of Queen Anne. Now there were distinct precedents where that House had decided that the acceptance of such office did not come within the disability. A case of inadvertence had occurred in the issue of a writ for the Borough of Dungarvan. In fact the Borough of Dungarvan was not vacant; and therefore no election could at present take place. In case an election did take place under the circumstances the gentleman so elected would not be entitled to take his seat in that House did he present himself at the Table. The Right Honorable Richard Lalor Sheil was at that moment member for Dungarvan; and the question was now, what course they were to adopt to remedy the error. He saw no course but to authorize the Speaker to issue a writ of *supersedeas*."

That was the course taken in that case, and the ruling was based solely on the Rule of Parliament to which I have referred. I say therefore upon these authorities it is manifestly clear that a gentleman holding the position of Minister of Railways cannot hold a seat in Parliament if he accepts the office of High Commissioner to England. The First Minister took objection to the motion of the hon. member for West Durham (Mr. Blake) on another ground. He said that if a member of the House held an office under the Crown, such, for instance, as the office of Minister of Railways, which by law he can hold, with a seat in Parliament having first obtained the approval of his constituents, he had a right to hold with such office a political or disqualifying office; that having the right to hold a political office he had, as a consequence, a right to hold a non-political or disqualifying office, and the acceptance of the non-political office does not vacate his seat. The hon. gentleman's argument is, that by adding a disqualifying office to a qualifying office, which the member has a right to hold, the member has the right to hold both offices and his seat; that the offices are cumulative, that having the right to hold one he has the right to hold the other. I challenge the hon. gentleman to point out a single case in the history of Parliamentary Government in England for 500 years where a Minister of the Crown and Member of Parliament, holding a political office, an office which does not disqualify, which is consistent with occupying a seat in Parliament—that a man has a right to hold a non-political and disqualifying office, the holding of which is in violation of the Independence of Parliament Act. I challenge the hon. gentleman to point out one case where that has been done.

Sir JOHN A. MACDONALD. I call the hon. gentleman's attention to this fact while he calls on me to cite a case, he has just stated that English precedents are of no value and that we are governed altogether by the Canadian Statute.

Mr. CAMERON. That only makes my case the stronger. I say that even in England, where the law is not so stringent as here, he cannot point to any such case. The hon. gentleman rests his case solely on English precedents, and yet I repeat that he cannot in the English records find a case analogous to the case of the Minister of Railways. I say there were certain offices created before the Independence of Parliament Act in the sixth year of Queen Anne, and that that Statute did not apply to offices created before 1705. It only applied to those subsequently created. For example take the case of Lord Middleton, who, in 1725, was appointed one of the Lord Justices of Ireland without salary; and the case of Sir William Gifford, who was appointed in 1710 to an office under the Crown without vacating his seat in Parliament. In both cases the Statute of Anne did not apply because the offices were created before it passed. Then again in cases where both are offices of State they can be held together without disqualification, as, for