

allowed to lapse. They had been voted in the estimates of the previous year, but were not used within the year and were allowed to lapse, and the Government could not revive them by Order in Council, and consequently they issued a Governor General's warrant for these amounts. Here is what Sir John Macdonald said about it. He quotes the very same section of the law as has been quoted by my hon. friend and which was discussed yesterday, and he goes on to say :

The whole meaning of the clause referred to an unforeseen emergency, like that in St. John, where the fire swept away the public buildings, or the case of an inundation by which the canal locks were swept away, so that the minister could honestly state that there was an urgent and immediate necessity for the expenditure. But this was an attempt to set aside the authority and control of parliament, because the money had run out. Suppose that instead of any one of these votes being lapsed the whole of the money had been expended and some of the work had been unfinished, would any hon. gentleman or constitutional lawyer contend that because the estimate voted by parliament was insufficient, the government could issue a special warrant to finish those works? That was not the principle upon which such votes were made. It would make parliamentary control a farce, and worse than a farce.

The hon. gentleman goes on to point out the utility of this safeguard against extravagant expenditure on the part of the government, and continues :

It was to prevent the government becoming despotic, because they had a majority behind them, that these statutes were passed. So much was that the fact that, as they all knew, in a similar case the British parliament was not satisfied, the Chancellor of the Exchequer was not satisfied, the British parliament would not allow him to be satisfied by a subsequent insertion in the estimates of the next year of the authorized expenditure of the government. In such cases there was an Act of Indemnity introduced, such as was introduced by the late government of which he had been a member, to cover the expenditure which they were obliged to make between the 1st July, 1867, and the first session of the first parliament of the Dominion of Canada.

Here we had a case in point; the first parliament of the Dominion of Canada did not meet for several months after the Confederation Act came in force. There was no parliament in Canada until October of that year, and there were no supplies. The government provided by Governor General's warrants in that case, which certainly was an extraordinary one, and one which it was impossible, I suppose, to have provided for, and yet parliament was obliged

afterwards, notwithstanding the Governor General's warrant had been issued, to pass an Indemnity Act to legalize what had been done. I submit that to my hon. friend, and on further consideration and consulting authorities such as the one I have quoted I am satisfied he will change his mind. Sir Richard Cartwright followed, in 1878, and said :

While admitting generally the correctness of the principle contended for by the hon. gentleman, pointed out that there were cases of emergency in which all governments must depart from the rule laid down in the statute.

That is, there will come times when a government must break the law. That was the extraordinary argument set up by Sir Richard Cartwright. Sir John replied that he could hardly add anything after the admission made by the Finance Minister, so he allowed the matter to go. I submit to my hon. friend, in view of such eminent authority and the experience of the years 1878 and 1867, that the proper thing for this government to do will be to introduce an Act of Indemnity in order to legalize what has been done.

Hon. Mr. POWER—Would the hon. gentleman allow me to interrupt him for one moment? I think the hon. gentleman's precedents are a little stale. If the hon. gentleman will look at the speech made by the present leader of his party in 1887, and the speeches made again in 1891, when the subject of Governor General's warrants was up, he will find something much more recent and better authority.

Hon. Mr. FERGUSON—I have not the documents before me and cannot answer the hon. gentleman, because they are not here, but I rather cling to the opinion that if my hon. friend from Halifax who has just interrupted me compares what Sir John Macdonald stated in 1878 which I have read to you, with any subsequent utterance of his on that question, he will find there is not very much difference. Now my hon. friend as well as the mover of the address have claimed that that eminent parliamentary authority, Todd, sustains the view which they have taken in regard to the action of the late parliament with reference to voting supplies. In looking over that authority, I think this view is far from clear. I am quite free to admit that the general English