

motion had not been made, and the rule not dispensed with, Dr. Kenealy, although the elected member for the borough of Stoke-upon-Trent, could not by any possibility have taken his seat. That case is in all essentials similar to the present one, and it seems to me it is out of the question that this motion can be adopted in accordance with the law and practice of Parliament, and it is of the more consequence that the law and practice of Parliament be sustained in this country, having a subordinate jurisdiction, than in the Parliament of the United Kingdom. There they are the supreme and paramount authority. There, by an old prescribed right, the House of Commons, through descended privileges, decides upon rules, unless disputed in the House of Lords and *vice versa*; these matters were thus disposed of and settled long ago, and for all practical purposes, it may be said, both the House of Commons and the House of Lords in England settle their own practice, and there is no appeal from the highest court of jurisdiction in the world. We all know that the Supreme Court taught us the other a day a lesson which, as every lawyer knows, we did not require to be taught, viz., that we have only statutory jurisdiction; that we are created; that Colonial Legislatures have occupied such a position ever since the great case of *Kelly vs. the Speaker of the House of Assembly of Newfoundland*; that we are the creatures of the statute, and that we have none of those prescribed rights which belong, from mere prescription, to the Parliament of England—to the House of Commons and the House of Lords. We must go by rule; we must go by law, and we must go according to the law, and our rights; our position, if we go against the law and contrary to law, will always be liable to be disputed. I will give an instance. Suppose we illegally elect a Speaker, and suppose that this Speaker, while acting illegally as Speaker, hereafter orders warrants to issue to enforce the demands of this House, and parties outside bring action of trespass and false imprisonment under the Speaker's warrant, then the whole question of the legality, the whole question of

the validity of the election of Speaker can be brought up, can be adjudicated upon, and may be decided against this House and against the order of this House, and against the appointments of this House. Why then, Mr. Clerk, I would say, should we run any such risks as these? It is of no great importance who presides in this Chair if he be a competent member of Parliament, and a man of experienced competency. I do not deny the competence of the gentleman proposed, and I am not disposed to do so; but I say, at least, when a good man of equal competence can be found, when the Premier can find a man of superior competence, in my opinion, in his own ranks and among his own supporters, and thus give a feeling of confidence to the House. Why does he not adopt that alternative? At the time when the election of Speaker was proposed in the Session of 1874, I took the liberty of stating that I thought there was one principal supporter of the Administration who, from his great experience, from his prominence in knowledge of Parliamentary practice, would have been and ought to have been selected—I mean my hon. friend the member for Chateauguay (Mr. Holton.) Why was not this done by the hon. gentleman opposite; and why did he (Mr. Mackenzie) not now attempt to relieve the House from this difficulty by nominating that hon. gentleman; and he cannot refuse if he is nominated and elected. No member can refuse to act if elected Speaker by this House. Every member is bound to obey the order of the House, even if he does so against his will. I do not know what may be the feeling of the hon. member for Chateauguay on this point, but I am quite sure that his known sense of duty would impress upon him the necessity to relieve the House, and to prevent questions of this kind from being raised, and that he would sacrifice his own sense of ease and his desire to remain on the floor of the House, and would accept that position. I regret very much the fact that a course of that kind has not been adopted by the hon. gentleman opposite. My hon. friend here calls my attention to the fact that the present nominee of the hon. gentleman oppos-