

of His Excellency. But hon. gentlemen on the Treasury benches do not appear disposed to defend what they have here stated. The hon. gentlemen have told us, in a series of speeches extending over the past fifteen years, that they had altered the tariff in such a way as to contribute to the prosperity of the country; in fact, they proposed to prevent a condition of depression and distress; and now, after they have from time to time legislated with the view of correcting the mistakes which they said were in the tariff, and which it was impossible that men could avoid, however perfect their information might be, the hon. First Minister informs us that no one possessed of common sense would undertake to declare that a Government could by its legislation make the country prosperous. Why, Sir, we had a very different story told us. We had a declaration that the voices of a distressed population had come from every part of the country to a former Prime Minister, crying, "Come over and help us out of the difficulty and distress in which we are." The hon. gentleman has also put into this Speech the declaration that the land laws of the North-west require amendment; yet neither the mover nor the seconder of the Address, nor the hon. First Minister himself, has told us in what respect these laws are defective or in what respect they require amendment. The hon. gentleman has also put in His Excellency's mouth the declaration that the Indian Act is defective and requires amendment, but in what respect it requires amendment we are up to this moment left in the dark. And we are asked to vote an Address in reply to the Speech, which will echo everything contained in the Speech, though hon. gentlemen opposite have not up to the present moment given us the slightest information on these subjects. The hon. leader of the Government requires a great deal of his followers on this occasion. He requires them to affirm what he has put in this Address, while he withholds from them the information to enable them to say whether what he has put there is correct or proper in any particular. Now, Sir, it appears to me that, when the Governor General is meeting Parliament for the first time, nothing should be put in the Speech which is not in point of law accurate; and yet—and I suppose the hon. First Minister, as the Minister of Justice, is responsible for this—I find it stated here that His Excellency the Governor General is the Viceroy of Her Majesty. Now, Sir, we know right well that that is a mistake. We know that in the British empire there may be but two persons holding that position. The one is the Lord Lieutenant of Ireland, the other the Governor General of India. Prior to 1876, when India became an empire, and the Queen's proclamation was issued, the Governor General of India was not a Viceroy, and Lord Canning was declared by the Queen's pro-

Mr. MILLS (Bothwell).

clamation, in November, 1858, to be the first Viceroy of England who ruled in British India. We know the origin. Every one acquainted with the history of Ireland knows that before the time of Henry VIII. Ireland was a Lordship, and that the representative of the Sovereign there was called the Lord Deputy or Lord Lieutenant of Ireland, and it was not until after that period that the Lord Lieutenant of Ireland became a Viceroy. This subject has frequently been before the Judicial Committee of the Privy Council. Let me call the attention of the House to some of the cases. In the case of *Hill vs. Bigge*, Lord Brougham, who gave the decision, said:

If it is said that the Governor of a colony is quasi sovereign, the answer is that he does not even represent the sovereign generally, having only the functions delegated to him by the terms of his commission, and being only the officer to execute the specific powers with which that commission clothes him.

And so we find, in the case of *Cameron against Kyte*, where the decision of the Judicial Committee was delivered by Baron Parke, that Baron Parke said:

If a governor had, by virtue of that appointment the whole sovereignty of the colony delegated to him as a viceroy and represented the king in the government of that colony, there would be good reason to contend that an act of sovereignty done by him would be valid and obligatory upon the subject living within his government.

And so on, and then he goes on to say that that is not the position of a Governor, because a Governor derives his authority from his commission. He is not intrusted with all the powers belonging to the Sovereign, and therefore is an executive officer, whose executive duties are defined and limited by the commission which he has received, and the instructions which are from time to time given to him. I see, in the case of *Musgrove vs. Pulido*, there is exactly the same doctrine laid down by Sir Montague Smith, in which it is said:

It is apparent from these authorities that the Governor of a colony (in ordinary cases) cannot be regarded as a viceroy; nor can it be assumed that he possesses general sovereign power. His authority is derived from his commission, and limited to the powers thereby expressly or impliedly entrusted to him.

I am not going into a discussion of this question, because every one who has considered the subject knows that His Excellency is not a Viceroy. His Excellency is a Governor General. He is intrusted with the executive powers, to the extent mentioned in the Commission, which are necessarily conferred upon him in consequence of the provisions of the British North America Act. He is no more a Viceroy than a Lieutenant-Governor, and a Lieutenant-Governor represents Her Majesty. He is clothed with certain powers, as an executive officer representing Her Majesty, but he is not clothed