point out in a moment. Let me quote what he says:

> Where the king acts with the cooperation of other persons, those persons are responsible for his acts. If they are wrongful, the king's part in them is disregarded, for it is a maxim of the common law that the king can do no wrong; but the other person who assists him is liable. . . . It is clear therefore that the powers of government are divided. The executive, legislative, and judicial powers are in the main entrusted to different persons and bodies; and the local government is entrusted to another separate set of persons and bodies.

Therefore the judicial, the executive and the legislative bodies must be considered in their relation to the crown, and so far as any act of legislation is concerned, it can be made effective only by the act of both bodies and of the crown. In section 17 of the British North America Act, to which I referred, that provision is made.

I will not do more than try to make it clear beyond peradventure that the only method by which the prerogative of the Crown can be abrogated, curtailed, restricted or lost is entirely by act of Parliament itself, which means, so far as Canada is concerned, not only the king but the Senate and the House of Commons.

Mr. WOODSWORTH: Is the Prime Minister arguing that if both our houses in Canada passed legislation that would restrict the prerogative of the king?

Mr. BENNETT: No. That matter came up the other day in the House of Lords; I had the report but it is not beside me at the moment. I shall have the report presently, when I will deal with that phase of the matter. That is the question as it stood in 1919 when there was enacted the resolution to which I have referred. Now, for the moment, let us see what the courts of England have said with respect to that. Yesterday, in discussing the case of Stockdale and Hansard, the right hon. gentleman said that it occurred in 1839, which is correct; and the decision has never been questioned since. It has been acted upon as sound constitutional law, and the language used is so strong that I venture to bring it to the attention of the house. It was in part referred to by the right hon. gentleman. Lord Chief Justice Denman, delivering an exhaustive judgment in that case, said:

> The House of Commons is not the parliament, but only a coordinate and component part of parliament. The sovereign power can make and unmake laws; but the concurrence of the three legislative estates is necessary; the resolution of any one of them cannot alter the law, or place anyone beyond its control. The proposition is therefore wholly untenable, and abhorrent to the first principles of the constitution of England. . . . Parliament is said to be supreme. I most fully acknowledge its supremacy. It follows, then, as before observed, that neither branch of it is supreme when acting by itself.

Discussing previous cases he cited with approval the decision of the House of Lords:

> That an attempt, in any one branch of the legislature, to suspend the execution of the law, by separately assuming to itself the direction of a discretionary power, which, by an act of parliament, is vested in any body of men to be exercised as they shall deem expedient, is unconstitutional. In both cases the law would be superseded by one assembly; and, however dignified and respectable that body, in whatever degree superior to all temptations of abusing their power, the power claimed is arbitrary and irresponsible, in itself the most monstrous and intolerable of all abuses.

Patteson, J. concurred, and Coleridge, J. used these words:

> As to that part of their answer in which they speak of parliament being able to make that law which was not law, it is plainly beside the question proposed; for it must relate to the power of the three branches of the legislature concurring, and not to any resolutions of any one of them separately, or even of any two of them. . . . It would be easy to put striking instances of this kind; but they may be summed up at once, and without the least exaggeration, in the remark that there is nothing dear to us, our property, liberty, lives or characters, which, if this proposition be true, is not, by the constitution of the country, placed at the mercy of the resolutions of a single branch of the legislature.

The observations of the Lord Chancellor in 1874, when discussing the effect of a resolution of the House of Commons, is reported in the Parliamentary History as follows:

> This plainly proved, that the Commons literally, as to the question then under the consideration of their lordships expressed it, assumed to itself the direction of a discretionary power vested in a body of men to be exercised as they should judge expedient. His Lordship reasoned very forcibly upon this, and said, that had he been a lord of the treasury, even though he had risked the loss of his place, he would not have obeyed the resolution; and his refusal would have proceeded from a consciousness that nothing short of an act of parliament formally passed by the three estates, had the power of suspending either a part of the statute or any part of the common law of the kingdom. He said he would suppose that a power similar to this was lodged in a board of seven commissioners constituted by act of parliament. He should then say, if the House of Commons passed such a resolution, directing those commissioners how to exercise a discretion the law had given them the sole control over, they would act wisely by treating the resolution with contempt and paying it no regard whatsoever.

Bear these words in mind, because they constitute the basis of the action which has been taken. I should like the house to under-