

which he had avoided the difficulty which had confronted him. He said, as reported at page 872 of Hansard of that year:

The hon. gentleman finds himself face to face with what may become a dangerous agitation, involving the administration of which he is the head. That agitation was begun by a journal conducted with more than ordinary ability, and characterized by what may be called a spirit of aggressive protestantism; and it has gradually drawn to its side a large portion of the press of the country, and a very great deal of discussion adversely criticizing the conduct of the government has taken place in public meetings at several places in the province of Ontario.

Sir John A. Macdonald was then in the house because he intervened to ask a question with respect to what had occurred. He said, among other things, that the preamble is not part of the bill. So as far as this matter is concerned, it is merely a discussion by this chamber of something within its right, namely, to express an opinion whether or not the right hon. gentleman should exercise his power if an hon. gentleman does move a motion, as to which he has not yet indicated his intention.

There are two phases of the matter to which Sir John Thompson directed attention. The first was what might be described as the customary view, namely, the question of leaving the matter to the courts, which was subsequently debated at length; and the second, the question of policy, whether or not it was desirable as a matter of policy to deal with it in a certain way. And as a matter of policy the language of the debate makes it abundantly clear that this chamber should at all times have the right by a majority of its members to instruct the government how it should discharge a duty. That has been from time immemorial the right of this chamber, and I fancy will continue to be long after we have gone; the right to say by a majority that this government, or some other government which may be put in its place if the majority so wills, shall discharge its duty in a given way. That is the high function of parliament. When it comes to a question of this kind, which is not a question of law but of policy, the right is clear beyond peradventure and has been established by a series of amendments to the motion to go into supply by which instructions have been given from time to time to the government. I will give an illustration at once—the New Zealand treaty. An amendment was moved to the motion to go into supply suggesting that the New Zealand treaty should be terminated, and the Minister of Finance accepted that amendment and gave notice terminating that treaty.

That is within the memory of many hon. members who were in the house in those days. He reconstituted his committee of supply on the strength of it. Under those circumstances it is clear that on that occasion what we did was to intimate by our votes, which ultimately became unanimous, that in the opinion of the house a certain policy should be pursued, which policy was in fact pursued by the government accepting the amendment on going into supply.

Mr. DUNNING: But that was a different situation entirely.

Mr. BENNETT: No; exactly the same, not the slightest difference in the world. The fact that a lawyer is concerned about making up his mind has nothing to do with the question of policy. And the address that was presented by Mr. O'Brien was that his excellency in council do so and so; that the government of the day do so and so. It would seem fatuous to suggest that any question could arise with respect to that. It was that his excellency in council should take certain action. It has been the right of parliament since the days of Queen Anne to determine by its vote in the Commons house the action that should be taken by the executive. In other words, to use the language of a lord chancellor in England in connection with a Canadian reference, "Parliament can always control the executive." Those are words that must always be kept in mind. And in a matter of this kind that means the House of Commons, because under our constitution there must be a majority in support of the government in the Commons house of parliament in order that the government may exist.

So we have a very simple situation, about which there can be neither doubt nor dispute; the right of this chamber on going into supply to indicate by its vote if it so wishes the policy that should be pursued by the administration with respect to any matter with which it is within the power of this parliament to deal. And this parliament may condemn action that is taken or it may by a majority determine what action should be taken. I take the New Zealand treaty as a striking illustration in connection with that great speech of Sir John Thompson which I have not read for some years but some portions of which come back to my mind as I stand here; the reasons are apparent why he did not raise the question as to whether or not this house had the right to take suggested action. It was not the accomplished fact he was dealing with but something which it was suggested he should do and that the government of which he was