

on their responsibility to the House and the country, ought to deal with, and to ask the Committee on Privileges and Elections to formulate a policy for the Government is a course that has never been taken in this House except by the hon. gentleman. Now, Sir, I say this Bill is a vicious Bill; it is a bad Bill, and ought not to receive the sanction of Parliament. I am opposed to the Bill upon several grounds. I am opposed to the Bill in the first place because the Minister of Railways, having, with his eyes open, and knowing what the law was, accepted the position of High Commissioner to England with the emoluments, the allowances, the perquisites and the profits connected therewith, his seat for the county of Cumberland thereby became vacant under our Independence of Parliament Act. I am opposed to the Bill because it goes further than that; it not only proposes to indemnify the Minister of Railways for illegally sitting in Parliament, but on the assumption that the seat for the county of Cumberland is vacant, the Bill undertakes to make the Minister of Railways a member for the county of Cumberland by an Act of Parliament. I am opposed to this Bill, in the third place, because it is a direct violation of, and interference with, the Independence of Parliament Act—a direct interference with the Independence of Parliament Act in the interest of one man and to cover one solitary case; and I say that it is contrary to the rule and the practice of this House and of the Imperial Parliament to legislate in the interests of one man. Now, I said the seat of the hon. member for Cumberland is vacant. I discussed that point to some extent some time ago; I propose discussing it again, and as this is an important question, a question that, in its present shape, has never been submitted to the Canadian Parliament before, I make no apology to the House for dealing with it at some length. Now, Sir, I say that the seat of the hon. member for Cumberland, by his acceptance of the office of High Commissioner to England, thereby became vacant. The First Minister contended, when we were discussing the proposition of the hon. member for West Durham to declare the seat for Cumberland vacant, that the acceptance of the office of High Commissioner, with the salary attached thereto, did not vacate the seat; and the hon. gentleman was good enough to refer us to several precedents in England which, he contended, bore out his assertion. He referred us to the case of Mr. Gladstone who, while he was a member of the Imperial Parliament, was appointed to, and accepted the distinguished position of, Lord High Commissioner to the Ionian Islands. He referred us to the case of Sir Stafford Northcote who, while he was a member of Parliament, was appointed by the Imperial Government Lord High Commissioner to Washington; and the hon. gentleman upon other occasions referred to other cases. He referred to the case of Lord Castlereagh who, at one time, was appointed Special Envoy to Vienna; and to Lord John Russell who was also appointed Special Envoy to that Court. He referred also to the cases of Lord Beaconsfield and Lord Aylesbury who were appointed respectively Ambassador and Special Envoy to the Court of Berlin. But the hon. gentleman, if he had taken the trouble to examine these precedents and the ground upon which they were justified in England, would have come to the conclusion without the slightest hesitation, that they had no application to the position occupied by the Minister of Railways. Sir, under the Imperial Act, neither of the positions mentioned were disqualifying positions or disqualifying offices; but under our Independence of Parliament Act the office of High Commissioner to England is a disqualifying office, and that beyond all controversy. The acceptance of that office is not only a disqualifying act, but its acceptance and the retention of a seat in Parliament at the same time, are clear violations of our Independence of Parliament Act. Sir, the hon. gentleman knows quite well that the cases he has referred to as justifying

the retention by the Minister of Railways of a seat in this Parliament with the office of High Commissioner do not apply to the case of the Minister of Railways. The offices the hon. gentleman referred to were temporary offices; they were special employments for the purpose of discharging special services. It has been held in cases of that kind in England, apart from the law that prevails there, as distinguished from the law in Canada, that such employments would not necessarily, or at all, vacate the seat of a man occupying such position. Mr. Todd lays that rule down in his work on Parliamentary Government in England, page 260:

"Moreover, it has not been considered the practice to consider the employment of members of the House of Commons upon Royal Commissions, or on special services, &c.—which are not regular offices, and to which no stated salary is attached—as coming within the disqualifying operation of the Statute; even when remuneration is received for such services.

There you see the words that are used, "which are not regular offices." Now, in this case, the position of the Minister of Railways is an office created by an Act of Parliament. The hon. gentleman knows further, that the positions held by the gentlemen he has referred to were either of Ambassador to a foreign Court, or of Minister Plenipotentiary to a foreign Court, or employment of a similar character; and the hon. gentleman knows quite well, that in England for over 300 years the position of Ambassador or Minister Plenipotentiary is excepted from the operation of the Independence of Parliament Act. If the hon. gentleman will refer to Hatsell, page 22, he will find there a resolution of the English Parliament passed in the year 1575, a resolution which has become part of the law in England, and is the law of England to this day, and that has been quoted on discussions in this question in the Imperial Parliament as still being part of the law of England. The following is the rule referred to: "On the 9th January, 1575, it is resolved, that any person being a member and in service of ambassade shall not be removed during such service;" and the following cases were decided under that rule:—

"On the 19th of November, 1606, a Committee is appointed to consider of the case of several persons, who had received employment from the King, since the last Session; and on the 22nd they report, and it was adjudged upon question, that Sir Charles Cornwallis, Ambassador in Spain, Sir George Carew, Ambassador in France, and Sir Thomas Edmunds, Ambassador with the Arch Duke, should still stand in their several places.

"On the 24th of April, 1611, Sir Thomas Roe acquaints the House, that His Majesty has commanded him to undertake a service at the Diet in Germany, invited to it by the King of Denmark, and other Protestant Princes. He has leave from this House to be absent; and to continue a member of this House, notwithstanding his employment as His Majesty's Ambassador in Germany.

"On the 15th of February, 1711, the election of Sir Henry Belasyse is declared void; he having, since his election, accepted the office of one of the Commissioners appointed to enquire into the number and quality of the forces in Her Majesty's pay, in Spain and Portugal, and to examine into several accounts relative to those forces.—See the proceedings on the 9th and 14th February upon this question."

Now, Sir, it is not declared void thereupon the ground that it was an office, but an office as distinguished from the high position of Ambassador and Minister Plenipotentiary:

"On the 5th of March, 1713, several writs are issued in the room of Mr. Herne, Mr. Murray, and Sir Joseph Martyn, they having accepted the offices of commissaries, for treating with commissaries on the part of France, for settling the trade between Great Britain and France.

"On the 17th and 19th of April, 1714, a question was moved, whether this office of commissaries, to treat with commissaries from France, was a new created office, within the meaning of the act of 6th Queen Anne? And was passed in the negative.

"On the 7th of July, 1715, on a question, whether Mr. Carpenter, having been appointed Envoy to the Court of Vienna, is thereby included in the disability of the 6th Anne, ch. 7? It passed in the negative."

Now I say that has been the law of the Imperial Parliament for the last 350 years. There is no exception to that rule in England. It is recognized as the law in England to-day; but it is not the law here. We have no such law in Canada; Parliament never adopted any such rule as was adopted 350 years