

my hon. friend to consider, however, whether that would be best under the circumstances or not. I fail to see that any great crash or cataclysm can ensue if this Bill passes. It is the intention of the Government, I may say, to advise His Excellency to reserve the Bill, and not give his assent to it here. That prevents anything being done without the review of the British law officers of the Crown. I know that my hon. friend opposite holds very strong views on the subject, but I should be very glad if he could see his way to waive them, and allow this Bill to pass.

Mr. MILLS (Bothwell). Mr. Speaker, I would say to the hon. gentleman that I feel so strongly on this matter that I do not think I would be discharging my duty were I to comply with the proposition which is now made. I asked the hon. gentleman a few moments ago whether it was his intention to press this objectionable Bill, because we were giving him great facilities to hurry through the rest of the business, and I understood him to say that it was not his intention to press it.

Mr. FOSTER. I am sorry if my hon. friend misunderstood me. I thought he referred to new Bills coming from the Senate.

Mr. MILLS (Bothwell). No.

Mr. FOSTER. I am equally sorry if I misunderstood him, and I must withdraw what I said, as I spoke under misapprehension.

Mr. MILLS (Bothwell). Then I hope the hon. gentleman will allow us to go back to the Bills we had before.

Mr. FOSTER. I am afraid that is impossible according to the rules of the House.

Mr. MILLS (Bothwell). Well, I am afraid this Bill must stand over.

Mr. McNEILL. As this is purely a constitutional question, as it is simply a matter of law (there being no difference, as I understand it, between the two sides except on this question), there can be no harm in allowing the Bill to pass, and leaving it to be decided by the authorities that must in the end decide it.

Mr. MILLS (Bothwell). If the House will permit me, I would say there is very great objection to the Bill passing. Let us suppose for a moment—and I could refer the hon. gentleman to half a dozen cases—the Judicial Committee of the Privy Council should annul the decision given by the law officers of the Crown. In the case of the appointment of a bishop of Cape Colony, it was decided by the law officers of the Crown that the Crown had power, and letters patent were issued, but years after the Judicial Committee held that the law officers were mistaken. Let us suppose that in this case the law officers in a great hurry gave an opinion on this subject without exhaustive consideration, and that afterwards legislation passed by this Parlia-

Mr. FOSTER.

ment was questioned, and it was found that the law officers were mistaken. What would be the effect of that upon the legislation? It might affect the rights of great corporations as well as important principles of jurisprudence. There is a perfectly clear course to take, and that is by address of this House, asking for an amendment of the 34th section of the British North America Act. I suppose the House might not permit me to enter into a discussion of the subject in reply to the speech of the hon. member for Albert (Mr. Weldon) last Thursday evening, and I do not undertake to do so, but I shall take the opportunity to do so if the hon. gentleman proceeds with the Bill and the House goes into committee, I think I could show conclusively to the satisfaction of every hon. member who will not give his mind a holiday but will think upon the subject, that the hon. gentleman was wholly mistaken in the opinions which he expressed, and that the statute he read had no applicability in the most remote degree to the question now before us. I could point out that since that statute was passed in 1865, we carried through an old Bill here having reference solely to the point, that is, the question of procedure. We already had the power to examine witnesses; we simply undertook by that Act, to alter the mode of procedure. The opinion of the law officers of the Crown was that that statute was "ultra vires," and yet, if the statute which the hon. member for Albert (Mr. Weldon) quoted had any applicability at all, it would have validated that Act. But it did not validate that Act, and we were obliged to come here and address the Imperial Parliament, asking that legislation should be had to enable us to examine witnesses upon oath. Now, it does seem to me that in the face of a declaration of that sort, it would be a most monstrous proceeding to pass this Bill. Ought we to take any risk at all as to our legislation? Even if the Government could get a favourable opinion from the law officers of the Crown, it would not give that security to our legislation which is required. What we require is absolute certainty. We want to know that what we do within our jurisdiction is properly done, and if we had a man sitting in the Speaker's Chair in the Senate who had not received his letters patent from the Crown, but had derived his authority from proceedings of this House, the Senate would not be properly constituted, and would be, in fact, proceeding without a Speaker at all. That being so, I think the hon. gentleman ought not to proceed with this Bill, and I do not think he will be dealing fairly with those opposed to the Bill, after we have furnished this morning the facilities we have of going on with the business, if he presses this upon our attention. The hon. gentleman would never have reached this Bill by three o'clock if he had given us an intimation that it was the intention to proceed with the measure. When we go into Committee on the Bill, I shall go into this