

REPORT.

The following Report was laid on the table:—

Annual Report of the Department of the Interior for the year 1883.—(Sir John A. Macdonald.)

INDEPENDENCE OF PARLIAMENT ACT AMENDMENT.

Sir JOHN A. MACDONALD moved the second reading of Bill (No. 111) respecting the Independence of Parliament Act 1878, 41 Victoria, Chapter 5.

Mr. BLAKE. Explain.

Sir JOHN A. MACDONALD. Mr. Speaker, the Bill is an amendment to the Independence of Parliament Act of 1878. The first clause is introduced in consequence of the discussion which arose as to the meaning of the first section of the Act of 1878, the Independence of Parliament Act, in which some weight was given to the word "attached." It was said that, if a salary is attached in any way to the office, although the salary is not received, the party acting, doing the duties of any commission or appointment of any kind, although, by his appointment and by his distinct agreement, no salary is to be received, but he is to act gratuitously, he is disqualified from holding a seat in Parliament. That appeared to the Government to be unreasonable, and they desire to have the Act amended. The first clause of the Act provides for the disqualification. It is proposed that this sub-section shall be added:

"Provided further, that nothing in this section shall render ineligible any person holding any office, commission or employment of the nature or description mentioned in sub-section (a) of this section, as a member of the House of Commons or shall disqualify him from sitting or voting therein if by his commission or other instrument of appointment it is declared or provided that he shall hold such office, commission or employment without any salary, fees, wages, allowances or emolument or other profit of any kind that may be attached thereto."

It is to remove the question that was raised, that, if a Statute attaches a certain salary, although, by positive agreement or by commission or appointment, the party is not to receive the salary so attached, still he is disqualified. The second clause speaks of the case of Sir Charles Tupper. I do not know that the second clause is required. However it has been inserted in the Act, following the precedent of 1874, in the case of Mr. Macdonald, who was Queen's Printer in Nova Scotia, and had a seat in the House, and it was declared in the Act that, by that, Mr. Macdonald did not forfeit the seat.

Mr. MACKENZIE. That was not in 1874.

Sir JOHN A. MACDONALD. No, in 1867-68. The principal object of the Act was to prevent the voidance of our seats by myself and all the Government. It was in 1867 that that Act passed. During the discussion, the point was raised that Mr. Macdonald, the hon. member for Antigonish, if I remember aright—

Mr. MACKENZIE. No; Lunenburg.

Sir JOHN A. MACDONALD. My hon. friend's memory is more perfect than mine in many things, I see. The point was raised that he held an office which disqualified him, and, under the circumstances, Parliament allowed this clause to be put in, declaring that it did not vacate his seat. In pursuance of that precedent, the second clause is inserted. The last clause provides for an indemnity:

"This Act may be pleaded as a bar and discharge to any action or suit pending, or which may be brought against Sir Charles Tupper, for any matter, cause or thing mentioned in this Act, and shall also be a discharge of any judgment for any such penalty as is mentioned in the next preceding section, and any costs on such judgment."

The point will naturally be raised that, if an action has been commenced, there is a sort of vested interest in the costs. This clause is an exact copy of the Act introduced in 1877

Mr. SPEAKER.

in the case of Mr. Perry. At all events, I propose that this Act should be sent to the Committee on Privileges and Elections, when they will consider; in the first place, the propriety of altering the Independence of Parliament Act, and will then consider the case of Sir Charles Tupper, a point in reference to which has already been referred to that Committee. It is therefore proper and germane to that reference that this Bill should be sent to that Committee.

Mr. MACKENZIE. Which is to be taken up first, the reference or the Bill?

Sir JOHN A. MACDONALD. I think the reference ought to be taken up first; the Bill afterwards.

Mr. MACKENZIE. I suppose it would be the proper thing, when a matter has been referred to a Committee to have the Committee report before introducing the Bill. The hon. gentleman proposes now to have the reference and the Bill before the Committee at the same time. The proceeding is most unusual.

Sir JOHN A. MACDONALD. It would perhaps be proper if that were the only point in the Bill, but I think it is well that the Committee should decide on the first point, which is in reference to Sir Charles Tupper's case, and then whether, in the future, if the Government choose to employ any member of Parliament, for special reasons, to perform duties, to sit on a commission or otherwise, without getting anything for it, that fact of his accepting that commission, when he agrees positively that he shall act gratuitously, shall vacate his seat. That is for the future. That is a point that I desire to have fully considered by the Committee on Privileges and Elections. They can consider it in all its bearings. That is why I propose the reference of this Bill. I take it that the Committee will consider the references in their order, and that the first question to be decided by that Committee will be the reference made the other day, and afterwards they can discuss this Bill at their leisure. If they come to one conclusion, it may affect the Bill very considerably; but, at all events, as far as I am a member of the Committee myself, and I think I can promise, they will be taken in their order, and the Resolutions will be considered first, before the Bill.

Mr. CAMERON (Huron). Mr. Speaker, I do not think that for the last sixteen or eighteen years any important Bill has been introduced in Parliament with fewer and more unsatisfactory explanations than the hon. gentleman vouchsafed to give us upon this occasion. I say it is an important Bill, one of the most important Bills ever submitted to any Parliament, a Bill covering principles that, in my estimation, are of the most vicious character; and yet the hon. gentleman moved the second reading of this Bill without a solitary word of explanation. He vouchsafed no explanation until the hon. member for West Durham drew his attention to the fact, and then I humbly submit that the explanations given by the hon. gentleman are by no means satisfactory. The hon. gentleman stated that this Bill was an outcome, or was due to the discussion of the motion of the hon. member for West Durham, made some time ago in Parliament to declare the seat for Cumberland vacant. But the hon. gentleman knows that notice of this Bill was given on the Notice Paper before that discussion on that motion took place in the House. The hon. gentleman stated in reply to my hon. friend from East York, who objected to a reference of this Bill to the Committee on Privileges and Elections at all until they had reported upon the resolution already referred to them, that the Committee would examine the matter, and especially the first clause of the Bill. Now, I say that the first clause of this Bill is not a question that ought to be referred to the Committee on Privileges and Elections at all. It is a question touching the independence of this Parliament; it is a question of policy that the Government,