

HON. MR. SCOTT—I was under the impression that some notice was given to the member whose seat was attacked.

HON. MR. MILLER—Of course.

HON. MR. SCOTT—That was always given previous to any action being taken.

HON. MR. ABBOTT—It does not appear in the Journals that any notice was given.

HON. MR. SCOTT—I am quite sure that we have no such peremptory proceeding as that—only twenty-four hours notice.

HON. MR. MILLER—The last case we had before us was that of the late Hon. Mr. Dickson. In that instance and in all previous cases, notice was given to the party of the intention of the House to proceed to adjudicate upon the supposed vacancy. It is true that we have the return of the Clerk that Mr. Alexander has not been in his place in Parliament within the last two sessions, but he may have been in Ottawa during last session, unwell and unable to attend to his duties, or he may have attended meetings of some of the Committees of this House, in either of which cases his seat has not been forfeited. It is usual to give notice to a member that the question of the vacancy of his seat is to be considered by the Committee on Privileges, before any final action is taken by the House. I do not suppose for a moment that the House would vacate the seat of an hon. member without giving him the opportunity of showing that he had not actually forfeited his right to sit here. It has not been done hitherto where any doubt existed, and I do not think we should take a new course now.

HON. MR. BOTSFORD—I think that the rule on which the Clerk has acted was not in existence at the time the seat of the Hon. Mr. Dickson was declared vacant.

HON. MR. MILLER—The rule has nothing to do with the point of procedure.

HON. MR. BOTSFORD—The fact is we have now a rule which was not in existence when any previous case arose. It might be advisable to give a longer time and let the Clerk notify the absent member.

HON. MR. MILLER—The rule makes

no change in the procedure of the House. The rule merely imposes on the Clerk the duty of reporting vacancies as they arise. Before the rule there was no provision existing for reporting such vacancies to the House. The constitution provides for the manner in which such vacancies shall be dealt with when they arise, but it was not the duty of anyone particularly to report to the House that a vacancy existed, and the rule was framed requiring the Clerk to report such cases to the Speaker, but the rule does not alter the procedure which has been followed in the cases already dealt with by the Senate. The first case of the kind that occurred was, I think, that of Sir Edward Kenny. I insisted then strongly that evidence be given to the House that Sir Edward Kenny's case came within the law which demanded the forfeiture of his seat, and the House agreed with me in that case. Were it not that my late lamented colleague, the Hon. Mr. Archibald, rose in his place at the time and stated that he had seen Sir Edward Kenny when on his way here and had by him been informed that he had been absent from his place in the Senate for two years, and that he knew his seat was vacant, the House would not have declared the seat vacant on that occasion. From that time the House has always required evidence that a seat has been vacated in addition to the formal document presented to the House from the Clerk.

HON. MR. ABBOTT—I am sure my hon. friend will credit me with being the last person who would desire to take advantage of any hon. member in any condition of things whatsoever. In taking this proceeding, I simply followed the procedure which appears to have been adopted in this House on two previous occasions. The first one was that to which my hon. friend has just referred—the case of the Hon. Sir Edward Kenny. The rule of the House my hon. friend is familiar with; probably no one knows its terms better than he does. The Clerk has reported that Senator Alexander has been absent from his place for two consecutive sessions. A similar report was made in the case of Sir Edward Kenny and in that of Mr. Dickson, which are the only two cases to which I have been referred. In the case of Sir Edward Kenny, it was