

Hon. Mr. LANDRY—If the committee moves in the circle for which it was created, all right. That committee has no more right than a committee of the whole. This was a public Bill; a private Bill would be different. It was a public Bill and being referred to a committee for a special purpose, to hear the outsiders, they had no right to do under those circumstances what the committee of the whole could do.

Hon. Mr. ROSS—That is technical. I am trying to get the merits. Here I was opposed to the principle of the Bill. I could have moved for its rejection at the second reading. Acquiescing in the view that the reference to the select committee would leave me free to the same exercise of my judgment as I would have on the second reading. I acquiesced in that, and let it go to the committee; then, having heard the evidence and being convinced that the Bill was not within our jurisdiction, I am told I have no right to exercise my judgment and act accordingly.

Hon. Mr. LANDRY—My hon. friend being in the committee, and the committee not having the power they claim they have, my hon. friend was not deprived of his power because if he has a right to vote against the principle of the Bill on the second reading he has the same right on the third reading. The committee goes into details of the Bill, and when the Bill comes back for the third reading, the principle of the Bill is accepted or rejected on the third reading as well as on the second. My hon. friend may be in favour of the principle of the Bill on the second reading because in his mind he might say "I might offer some amendments to the Bill that will suit me; but he might not succeed in getting the amendments made and therefore he would be against it on the third reading.

Hon. Mr. ROSS—That is good reasoning.

Hon. Mr. LANDRY—The Senate committee to which that Bill was referred had no more rights than the Committee of the Whole and in the Committee of the Whole we have no right to discuss the principle of the Bill. My hon. friend said that the committee reported this Bill. What was the conclusion 'Your committee further recommends that the preamble be not

Hon. Mr. ROSS (Middlesex).

adopted;' but when the committee recommended that, the preamble had already been adopted by this House on the second reading.

Hon. Mr. DAVID—Under reserve.

Hon. Mr. LANDRY—I have no reserve. "And that the said Bill be not passed." Why should we not pass this Bill? We must not forget that that committee had made a first report, and in that first report they were asking this House to have the opinion of the Minister of Justice. That shows what the intention or the committee was. It was to know if the Bill was constitutional or not, by asking the opinion of the Minister of Justice. They address themselves to the Minister of Justice and what is his answer? He says:

I recognize that it is my duty as official legal advisor of the Governor General and the legal member of His Majesty's Privy Council for Canada, to advise the Crown upon all matters of law referred to me by the Crown, and to advise the heads of the several departments of the government upon all matters of law connected with such department, but it would seem to me presumption on my part to offer advice to either House of parliament, or to the Standing Committee of the Senate, especially when among its members there are many honourable and learned gentlemen more competent than I to form an opinion upon any doubtful matter of law.

He could advise the Governor General, he could advise the Prime Minister and the King but he could not advise us. Why? Is it because we have the hon. member from Toronto on that committee? The Minister of Justice continues—

Moreover the Bill referred to has been passed by the House of Commons and in that view it would ill become a member of that House to question the constitutional power of Parliament to enact legislation of this character.

Here is a gentleman who voted on the Bill and who by the stand he took in the House of Commons recognizes that the Bill is constitutional. He is asked to give his opinion and he says: 'How could I give an opinion when by my vote in the House of Commons I have declared that it is constitutional. Am I to stultify myself?'

Hon. Mr. DAVID—Does it not mean this—'If I was not bound by the vote of the House I would declare the Bill is not within the jurisdiction of the Dominion parliament.' If you read between the lines