

HOUSE OF COMMONS

Wednesday, November 20, 1867.

The Speaker took the Chair at 3 o'clock.

RAFTING OF TIMBER

Mr. Bellerose introduced a Bill respecting the rafting of timber on the navigable rivers of this Dominion.

SITTING IN BOTH LEGISLATURES

Mr. Mills introduced a Bill to disqualify members of the Local Legislatures from sitting or voting in the Senate or House of Commons of the Dominion of Canada.

ELECTION PETITION FROM ESSEX

On the question of receiving a petition against the return of **Mr. O'Connor**, for Essex.

Mr. T. R. Ferguson objected. He said the rules of the House of Commons required that no documents should be attached to a petition. This violated the rule in having affidavits attached. Another objection was that the petitioners did not state whether they were electors or not.

Sir John A. Macdonald said the last objection was a matter to be judged of by the Election Committee. The first objection was of a different nature, and it might be as well to let the motion for the reception of the objection stand till to-morrow.

The motion accordingly stood over.

LOCAL MINISTERS SITTING IN THE HOUSE OF COMMONS

Hon. Mr. Holton said he rose to bring under the notice of the House the very important question of privilege, of which he had given intimation yesterday, a question very important both practically and theoretically considered. Practically, as it affects the right of seven or eight gentlemen, now occupying seats in this House, to hold these seats; and theoretically, because it raises an important question of constitutional practice under the new system of things under which we now exist. He proposed to broach the question in

no spirit of dogmatism or captiousness, but as a simple and earnest enquirer after the true solution of doubts which had arisen in his own mind, and which, he believed, were shared by a large number of the members of this House. He hoped it would not be discussed in any other spirit than one of enquiry. The principles which he would invoke were those which were well established in the constitutional practice of the mother country. He could have wished that the question had been raised by a gentleman of the legal profession, but perhaps it was as well that such was not the case in order that there might be no special pleading. The point was this—whether those who are Ministers of the Crown in the Province of Ontario and Quebec are or are not precluded from sitting and voting in this House under the Independence of Parliament Act, like all similar acts through the English speaking world, was founded on the celebrated Act of Queen Anne for precluding placemen from sitting in the House of Commons; but an act was introduced by **Sir Louis Lafontaine** in 1843 and it prohibited a large number of placemen from sitting in the Legislative Assembly—it received various modifications down to 1857, when under the present leader of the Government it took a very trenchant form in which it now stands on our Statute Book. Under that Act, all officers of the Crown receiving any emolument directly or indirectly by fee or salary except Members of the Executive Government were excluded from sitting or voting in this House. Under that Act a petty post-master or Contractor under Government was deprived of the right of sitting in Parliament. He here quoted the words of the Act which excepted no one but members of the Executive Council, and officers of the army and navy. Turning now to the present condition of things, as created by the Act of Union, under the authority of which this Parliament exists, what do we find?—that this Independence of Parliament Act is continued in force till changed by an Act of this Parliament—the spirit and intention of the Act being precisely this, that the Privy Council under our new constitution occupies exactly the same position relative to this matter, that the old Executive Council of Canada did, and that the Executive Council