

in 1870 that the reasonable application of rules was a very important thing. I am putting to this house in the language of Judge Coleridge just what we may expect if we disregard the rule of law which has declared that the prerogative of the sovereign cannot be abrogated, restricted or amended except by act of parliament to which he antecedently consents; and in that lies the safety of the subject, for the prerogative is not of honours and awards alone, but of mercy, of pardon, and of those innumerable things that have grown up in the body of common law in all British countries which protect the life and freedom and the institutions and the liberty of the subject.

Mr. MERCIER (Laurier-Outremont): May I ask whether according to the ordinary rules of parliamentary practice and procedure there was any acknowledgment from the sovereign of the resolution that was submitted to His Majesty?

Mr. BENNETT: My memory is that an acknowledgment of the receipt of the resolution was received by the Duke of Devonshire from the private secretary of the king. I was looking that up to-day. It will be recalled that Mr. Nickle moved that the resolution be engrossed and sent through the governor general to the crown, and it was so sent, and an acknowledgment was sent from the private secretary of the king.

I have traversed this matter at some length. I have put before the house the facts as they are, and if there is any doubt as to the soundness of the legal position that this parliament consists of three estates, I am perfectly content that it should be referred to the supreme court or to any court in the world. When I see the language of an editorial in the Winnipeg Tribune talking of doing away with parliament when only one house was concerned, I realize the confusion that is brought about in the public mind by those endeavouring to speak with authority who have no knowledge of that about which they speak. That difficulty always arises in complex and difficult matters of this kind. Anyone who will read the debate in the House of Lords on December 19, 1933, will there see a clear indication of the principles that underlie the exercise of the prerogative by the sovereign with respect to honours and awards.

I have endeavoured in the action that I have taken to protect this House of Commons and all houses of commons from being charged with having been guilty of an affront to the sovereign. Lord Reading has indicated in his speech the true pathway along which

[Mr. Bennett.]

hon. gentlemen may proceed, if they so desire. They may pass a resolution, if they so wish, asking, nay, instructing the Prime Minister by a majority of the chamber that they do not wish any further recommendations to be made. By that I would be bound while leading the Commons House of this Parliament. It is always open for any member of this house to move a vote of censure against the Prime Minister for the recommendations that have been made, and it would not be the first time that matters of this kind have been made the subject of a vote of censure in this house. That privilege lies in this House of Commons. But I do entreat those who are concerned about the maintenance of our institutions, who love our constitutional liberties and realize the extent to which they rest upon the exercise of prerogative, an extent of which some have little understanding because they have not investigated, not for one moment to conclude that the House of Commons by a majority vote in 1919 could divest the sovereign of this empire and of this dominion of the prerogative which he possesses in respect of honours and awards.

Sir, I have trespassed longer upon the time of the house with respect to the speech from the throne and the speech made by the right hon. gentleman than I had ever expected to do again in this chamber. I apologize for having spoken at such length, but I found it incumbent upon me to traverse many of the matters referred to yesterday, and there are some with which I should have liked to deal at even greater length, because in these days it is so easy to make charges and to underestimate the recovery and the spirit of courage and optimism that pervades the Canadian people, and to try to depress them by showing signs of pessimism and reflecting upon the progress of the country. I offer no apologies for having taken time to indicate to this House of Commons the progress we have made and the faith and confidence we have in the future, and I say to those who sit beside me here; let us look forward, let us advance, let us discharge the duties that lie before us with high courage and to the best of our ability.

Mr. ROBERT GARDINER (Acadia): Mr. Speaker, in rising to continue the debate on the address in reply to the speech from the throne and the amendment moved by the leader of the opposition (Mr. Mackenzie King), the first duty I have to perform is indeed a pleasant one. May I take this opportunity of congratulating the mover (Mr. Gobeil) and the seconder (Mr. Barber)