

the Speaker was only vested with the right of issuing a warrant on receiving the judge's certificate. He had done so in this case, and was therefore *defunctus officio*, and had no power to issue another writ. The judgment was correct in this case, and the error was trifling. The judge was not bound to state in his certificate the statute under which he proceeded, and there would, therefore, be no difficulty in allowing the writ that had been issued to be executed.

Sir JOHN A. MACDONALD said he agreed with the hon. Minister of Justice that the course suggested was the correct one.

#### QUESTION OF PRIVILEGE.

Mr. SPEAKER — There is another matter affecting the House which I think I should call attention to at the earliest possible moment. A member of the House took his seat, and on one occasion voted without having subscribed the roll and taken the oath. I only discovered the fact on Friday evening, and I now lay the matter before the House, and will instruct the Clerk to strike the member's name from the Division List in which it occurs.

Sir JOHN A. MACDONALD said that with all due deference to Mr. SPEAKER he did not think the member's name could be struck off the list by the mere order of the SPEAKER. Although the Journals of the House were not read every day they were supposed to be, and if any one had any objections to make they were made on the opening of the House. In the absence of any objections the Journals were held to be correct, and could afterwards only be changed by vote of the House; and without the intervention of the House the hon. member must suffer the consequences of having unwittingly voted without taking the oath.

Hon. Mr. MACKENZIE said it would be better to let the matter stand over for a day till he could look into it, as he had only heard of it last night. He believed the hon. member for Wellington was under the impression that having been elected for this Parliament and taken the oath, and his election having been set aside and he re-elected therefore it was unnecessary to take the oath again. Of course, no one would object to taking such steps as might be necessary to relieve the hon. gentleman from the position he

*Hon. Mr. Fournier.*

was in. He was of opinion that the SPEAKER could not of his own motion order a name to be struck off the Division List. If a name was entered by mistake the matter was brought up next day, and either by motion or general concurrency a correction has been made, but he was not aware of any case where a correction of that kind had been made by the simple order of the SPEAKER.

Hon. Mr. BLAKE observed that the nearest analogy to the present case was the case of a member voting and it being discovered subsequently that he was personally interested, and in such a case the House by motion struck off the name. The present case was if anything stronger, for the Constitutional Act prescribed that the taking of the oath should be a necessary pre-requisite of taking the seat, and, therefore, it was the bounden duty of the House to see that the name was erased. He apprehended that it would be the duty of the Premier to bring forward a motion to that effect, and that being done, if it turned out that any further loss was to be suffered by the hon. member, he supposed the House would agree to obviate it.

Hon. Mr. MACKENZIE—I think the matter had better stand over for to-day, as I have not had time to inquire into the circumstances.

Mr. ORTON wished to explain the circumstances under which he had taken the seat without taking the oath. When he came to Ottawa he inquired of some older members whether it was necessary that he should be re-introduced, and several members informed him that it was not necessary, and gave instances where members had been admitted to the House without being introduced, and, therefore, he considered it was not necessary.

#### LONDON AND CANADA BANK.

On motion of Hon. Mr. CAMERON (South Ontario), the Bill to amend the Act incorporating the London and Canada Bank was read a second time, and referred to the Committee on Banking and Commerce.

#### IMPERIAL LOAN AND INVESTMENT COMPANY.

On motion of Mr. MOSS, the Bill to change the name of the Imperial Building, Savings and Investment Company to that of the Imperial Loan and Investment Company was read a second time, and referred to the Committee on Banking and Commerce.