

[illegible]

that it can part with some portion of its ancient privileges. We ought to be most jealous with reference to each one of these. We ought to find not merely that there does not seem to be present a particular danger from the course of the campaign itself, but that there exists no possibility of danger from their abandonment. And even if we cannot see at the moment the danger, we must find some preponderating cause for abandoning them before we give up one safeguard which has been handed down to us, and which it is our duty to transmit unimpaired to our posterity. (Cheers.)

The gentleman has argued this question historically; he has told us that a formal announcement of prorogation was made as from the Crown. I did not understand any such announcement. No such announcement was in words made. I have heard the hon. gentleman announce the intention of the Crown before we gave up such charges. I have heard him announce what the advice to the Crown would be, and what he had been authorized by the Crown to state upon such topics. That on this occasion it will be said by him there was a formal announcement from the Crown. I say the house did not understand it. I say more; it is contradicted by every fact supposed to be true.

I have heard formally through the First Minister, anterior to adjournment communicated the intention to prorogue at the opening of the house on the 13th of August, the Crown would have sent a second communication to this Chamber, through you, Mr. Speaker, to the same effect; and yet, on the 13th of August, that you had that day received a communication from His Excellency that it was his intention to prorogue the house that day. I want to know, if a formal message had been understood by the Government to be communicated to the House through your intimation to the House through you to that effect? No, Sir, the whole idea of prorogation on the 13th of August was based of necessity upon the one theory of the result of the members of the Committee, namely, that their labors would be effectually prosecuted until the end of the session, to the verdict of acquittal. I do not believe that the hon. gentleman would seriously argue that he intended that this house provided the evidence before the Committee established the charges, was to wait until next spring before it pronounced judgment upon the case; that this house would allow the Government to go forward, and that the Government of this country after they had been clearly proved to be unworthy of the trust committed to them. I believe that a proposal like that would not be assented to by the house, and whatever was said, must stem from necessity of the case must be taken to have come from the mouth of the speaker who named. He himself would not have dared to say to this house, "through the evidence before the Committee proves my guilt I will still have Parliament not meet for business on the 13th; I will still retain power till February or March next." He would not have dared to say that. He would not have dared to say that innocence that he put forward, he chose to affirm that nothing whatever could be proved, and that the result of the Committee would be to establish his innocence, and therefore there would be nothing whatever for the house to do. Now, Sir, it was that thoughtless ignorance, that state of mind, that the gentleman was finally and definitely agreed upon, the adjournment should, under all circumstances, and under all contingencies remain as the settled state of things, is shown by our being here to-night, discussing this question, because the contingency which occurred and it quite inadvisable to adhere to this programme of the hon. gentleman, declared to be settled and final. His programme was that Parliament should not meet till February. What do we hear now of a breach of faith on the part of the Crown? The idea was that we were not to meet until next spring, and is it not just as much a breach of faith for every member to have been summoned here on the 23rd of October, as it would have been to have been summoned for business on the 13th of August? We are here at a time when it was unexpected, and surprising, that the hon. gentleman's fixtures were and conceived on this one contingency, and that contingency not having happened, the Committee not having been able to do anything, we are here to-day, which, according to the hon. gentleman's view is a breach of faith, and these circumstances we have to consider this prorogation may by itself alone, but as a means to an end. (Hear, hear.) It did obviously accomplish one thing. On the 21st of July, the authorized announcement was made to members, that at the earliest moment this matter would be brought before the house so as to prevent to take evidence under oath.—It also appears that while the committee and its existence was contemporaneous with the existence of that session of Parliament, Ministers themselves thought it not fit to interfere with a Committee, although it could do nothing by issuing a Commission of Enquiry, the tribunal which may fairly assume, the effect of prorogation was to be to destroy the enquiry, to destroy the powers of the Committee, and that whatever had to be done would have to be recommenced. Under our Constitution, owing to a difference in its forms, similar results would not be produced. In Canada, the hon. gentleman used to sit on both sides. This charge was in substance an impeachment.

At this stage of the hon. gentleman's speech, Mr. Holton suggested the adjournment it being half past two o'clock.

The House accordingly adjourned.

Ottawa, Nov. 4.

The Speaker took the chair at 3 p.m. Mr. Blake resumed the debate on the Address. He said that last night he pointed out that a great number of the topics introduced by the First Minister of the Crown were wholly irrelevant to the serious questions of the day.

"The House and the hon. gentleman know it is not my custom to shrink from a fair discussion of any public question at any time, or at any place, or before audiences from any of the Provinces whom the hon. gentleman seeks to array against me, and whose champion the hon. gentleman assumed to be—I am perfectly prepared to vindicate, and to believe satisfactorily to establish, the motives by which I was actuated in consenting to the policy which my friends have pursued on public questions to which he had referred. But,

man caused the proclamation of disallowance to be issued illegally upon that day, in order to stop the proceedings of the Committee, and carry out the scheme which this gentleman had contrived to tempt from the commencement, this disallowance. [Cheers.] Sir, upon a telegraphic communication to the effect that the Act was disallowed, he advised and misled His Excellency causing him to commit a violation of the law, and officially proclaimed disallowance. Now, however, when the disallowance of His Excellency is physically incapable of performing the act of disallowance, because he had not yet received the certificate of the Secretary of state, which the law requires. [Cheers.] Under these circumstances it would have been fitting for the hon. gentleman not to have caused this proclamation to be brought out. It would have been well for him to have waited until the certificate which the law requires had arrived. The Committee could then have proceeded with and probably finished their labours, because, till the legal proclamation of its disallowance, it had as much force as an Order in Council. The object of the hon. gentleman, however, was not thus to be accomplished. His objection to the disallowance is necessary that the disallowance should be proclaimed, and the proceedings of the Committee stayed. The honourable gentleman alleges that this disallowance was the act of the Lord Chancellor of England, as I think he urged in the argument he advanced to you. I make him present of the proposition that the Lord Chancellor is not a member of the Parliament, and I leave to the hon. member for Cardwell, who introduced the Bill in this House, to establish to the House as he established before, in spite of the exertions of his leader, that the Bill is not beyond our jurisdiction. I assume for the purpose of argument that the Lord Chancellor is a member of only the constitutional question to put whether, the fact that it was *ultra vires* being established, it was fit that it should be disallowed. [Hear, hear.] I am aware that the hon. gentleman is gazer at although not yet sworn, a member of Her Majesty's Privy Council, and he says that he is not a member of the House, perhaps than I ever can do, of what takes place in that Council, and perhaps he knows that the Lord Chancellor gives to every order of the council his personal consideration and sanction. I am very much surprised to hear it, but I do not think that the hon. gentleman will hereafter be able to say that the Lord Chancellor's duty to consider the validity or legality of every Order in Council. In this case, as is quite apparent upon the face of the despatch, the Lord Chancellor was not at the Council when the Act was disallowed. Considering that the disallowance was made on the 26th and the result telegraphed on the 27th of June, I have a notion that the Lord Chancellor heard of the matter for the first time when that little breeze blew from this to the other side of the water. [Cheers.] but it is of no consequence. The decline, in matters of consequence, of the Lord Chancellor of the country, alone to be bound by the opinion of the Lord Chancellor of England, or any other officers of that country. [Hear, hear, and cheers.] The question, whether according to the well settled principles which regulate the conduct of Imperial authorities, the matters relating to the economy of self governing colonies, the act being *ultra vires*, the Minister acted worthily or unworthily in suggesting the course which was taken. He told us, then, very strongly, that the Crown had its independent right; that as an independent power, it was bound to have a right to issue this commission, and to send papers and despatches to the house for which they could find no one responsible. Let us steer an even course between these arguments, neither diminishing nor extending these prerogatives. Then maintain that no word is sufficient to justify that invasion of the rights of Parliament which was created by the constitution of this Commission, based as it was on words spoken by my hon. friend in his place here, and for the investigation of the charges, it having to do, as it had with high council, and with the Ministers of the Crown and members of this House, therefore it was the exclusive property of the people's House. What an instance of weakness that was; and what extremities was the hon. gentleman reduced to, when he was forced strenuously, earnestly, mightily to say that he was not a member of the House, and that he had not communicated the charges of the hon. member for Sheffield to the Crown, because he sent a Bill to the Senate to empower this House to examine witnesses under oath. That Bill did not say anything about these charges; it was a general law; but the hon. gentleman said that he would not permit himself to induce him to do that, fulfilling which he knew was a futile thing—obtain his assent to the Bill in the middle of the session. I know of no authorization for him to inform His Excellency of what was passing in this Chamber. I say it was the height of audacity, and an insult to the House, to say that by the act, of deed of the violation, infringement, or waving of the privileges belonging to us. The member, if he made it, on his own responsibility, and if he did he is guilty of a crime which he will not fortify him, but weaken his position before which he was utterly failed to produce a precedent for such a Commission as this. The hon. gentleman brought forward on a similar occasion the Ceylon Commission. That precedent, however, no longer did duty. It has exploded, but he brings forward another precedent, the Ceylon Commission, but he knew that precedent had no application, so in his defence he does not bring that forward as a precedent, but he falls upon a precedent in the Melville case, which was directly against him. This was a Parliamentary Commission, and not a Commission for examining witnesses. His reference to the navy, which had prevalence for some time. He asked the house if that be the nearest precedent for this Royal Commission? not sanctioned by the house. The precedent was the clearest and strongest proof that British history furnished no authority for the course which the hon. gentleman, however, says that the Crown, as the first branch of the Legislature had a right to exercise the prerogative. He also said there was nothing particular in these charges to prevent the Senate from having a Committee to investigate them. Certainly not, if the Committee were not a committee of inquiry, which would not properly have been, but he had authority for the Senate taking up the hon. gentleman's charge and founding a Committee upon it, nor was there any authority for the Crown taking up the hon. gentleman's charge. Did the right hon. gentleman tell us, in the speech which he advised His Excellency

[illegible]