

more properly have precluded him from moving it at all until the necessity was called for by the refusal of the Commons Committee to make an investigation as fully as we thought it ought to be made under the circumstances. With regard to the question of the power of the Senate to deal with a question of this kind, I, for one, am for standing up for the rights and powers of the Senate as far as we can do so consistently with the provisions and terms of the British North America Act. I do not admit that we are on all fours on constitutional privileges and powers with the House of Lords. We all know that the House of Lords is an evolution of centuries of government in the old country, whereas this Senate, although intended to be modeled in the main on the House of Lords as to our general constitutional powers, is created by a written constitution and has clearly defined powers given to it by that constitution, which are not possessed by the House of Lords. I say I do not think that in this House we should be the first to question our own rights and powers. We should leave that to others. We should stand up on all occasions for the rights, powers and privileges of the Senate, even when there is a doubt, and if the case should be decided against us by competent authority, it would then be time enough for us to submit, but I do not believe in giving away anything we can properly claim in this House with regard to an investigation of this character or any thing else. There is a very sweeping clause in the British North America Act, which I quoted last session, in which it says that the rights, powers and privileges of the Senate and House of Commons shall be the same as those of the British House of Commons under certain restrictions and qualifications. If we can, under that power, claim larger powers than are possessed by the House of Lords, why should we do not do so? It is in the public interest that we should try to do so, because we have here a more impartial tribunal for the investigation of delicate questions of this kind than the House of Commons, where party feeling is more bitter than in this branch of Parliament. I do not intend to enter into an argument with my hon. friend the Minister of Justice who has no doubt given this subject a great deal of study, and no doubt is sincere

and candid in the views he expresses, but it must be remembered that my hon. friend has never looked on this House with a great deal of favour, that in early days he was not one of its champions, but very much the reverse, and although I hope, now that we have him amongst us with a comfortable portfolio he will look upon this House in a more friendly spirit than formerly, still we should regard with suspicion any action of the hon. gentleman when he undertakes to curtail in any way the rights and privileges of the Senate. Party feeling is as likely to sway my hon. friend as any one else. There are members on the government benches of this House, who sometimes stand up for the rights of this House as strongly as anyone could wish. Sitting behind me is an hon. member (Mr. Power), who published articles in the *Toronto Globe* in defence of the Senate, yet he was willing enough last session to go back on his previous utterances and to coincide with my hon. friend in his view of the rights and privileges of this House, and he dropped the remark, when some reference was made to the Franchise Bill, that he understood that was merely a domestic matter belonging to the other House, whereas we all know there is no question in British history on which the House of Lords has more frequently, and at the risk of its existence come into collision with the House of Commons, than on that question. Where party feeling does not come in, I would trust my hon. friend to advocate the rights and powers of this House to any extent, but where party interests are to be subserved it is surprising how the clearest headed men are led astray. With regard to the constitutional powers of the Senate, I want to call the attention of the House to another very important fact, and I think it will have a good deal of influence on hon. gentlemen in this House. We had as leader of the Senate last year, the predecessor of the present Minister of Justice, Sir Oliver Mowat, who was admitted to be, when he was in parliament, the ablest constitutional lawyer and the most profound jurist in public life. I do not think any other member of the legal profession in parliament attempted to dispute his eminence or to rival him while he was in the Senate. When this question came before the Senate last session, that hon. member was especially anxious that it should go over for investiga-