

Hon. Mr. LETELLIER DE ST. JUST—There was no feeling.

Hon. Mr. MACDONALD—There was a great deal. The bill was not of any importance. If it was, hon. gentlemen opposite would not show half as much feeling in its behalf. He supposed the bill would pass, however. The Government was not afraid of it. Strong in their integrity and honour, they allowed it to pass in the other House. When it finally passed, some hon. gentlemen opposite might feel more sorrow than they had for some time (Hear, hear.)

Hon. Mr. LETELLIER DE ST. JUST and Hon. Mr. DICKEY replied to the arguments against their respective views. The latter pointed out the doubts of the former hon. gentlemen as to the competency of this Parliament to pass the bill. He had to go beyond the plain words of the Union Act. As to the legislation of the British House of Commons in 1871, was anything more wanted to show it did not possess that power in 1867? Our Act did not say we could take powers and privileges the British House of Commons now have; but it has defined ours should never exceed those enjoyed and exercised by the Commons at the passing of the Union Act. (See 18th clause.) There was an Act passed in 1859 giving the English Commons the power conferred by our Act of 1868 passed in Canada, to examine witnesses on oath before private bill committees. That was all possessed by the British Houses in 1867. The Senator from Grandville admitted frankly that this was not an inherent power in those bodies. It was taken by Act of Parliament, he adds. They asked and got it. Could anything be plainer? He did not expect to be twitted by the hon. member from Grandville for differing with the Government in this matter. (Applause) He could understand why the Premier, moreover, would not like to stand forward as opposing the wishes of the Lower House in a matter of this kind. This House, however, (the Senate) was pre-eminently a court of review, not supposed to be under any influence. That being the case it was our duty to look well to the bill to see whether we could pass it or not. We were bound to look to a constitutional point of this kind. He thought he had, in a manner not yet answered, put this question fully and fairly before the House. (Hear, hear.)

Hon. Mr. CAMPBELL said the hon. gentleman had stated the case fully and fairly. But if he (Mr. C.) had not been willing to assume the responsibility of asking the House to adopt the bill he

should not have moved the second reading. There were certainly grave doubts as to the legality of the step. The Premier felt grave doubts, but another high authority (Hon. J. H. Cameron), entertained a different opinion, which was entitled to great respect. The case stood very much as the hon. gentleman (Mr. Dickey), put it. The Commons originally had no power to examine witnesses on oath at all, but were in the habit of sending them to the Lords to be sworn. Then an Act enabling the Commons to swear witnesses before the Private Bills Committee was passed, and in this way the matter stood when our Union Act of 1867 passed. It was perfectly clear that the British House of Commons had not the power in 1867. This Canadian Act of ours proposes to give this power got in England by an Act of Parliament. While, therefore, there was a grave doubt in this matter, our bill was not a serious affair after all. The heavens will not fall if we are wrong, if we have stretched our authority somewhat. As an independent legislature if we err at all it should be in the direction of freedom. He would desire, speaking in a general way, where there was any doubt about our powers, not to circumscribe them. He would rather go for extending than diminishing our powers. (Hear, hear.) Then, we had given ourselves the benefit of the doubt in the Copyright Act, upon which the Queen had not yet pronounced. He did not fear any harm from examining witnesses on oath in private committees. If we were wrong in this Bill, it was at all events with the sanction of very high authority. He did not venture any opinion himself upon the legal point. What, as a colony, we had done in the past, we might, without very great danger, assume we had the power to do in the future. (Hear, hear.)

Hon. Mr. RYAN—Does the hon. gentleman assume that if this Bill passed the same course would be pursued as in the Copyright Bill—that it would be reserved. [Laughter.]

Hon. Mr. WARK said he liked the sentiments of the Hon. Postmaster General. Instead of constantly casting doubts upon our own powers, we ought rather venture to stretch them a little. [Hear, hear.] He held, not as a professional man, but on grounds of common sense, that the powers formerly possessed by the Colonial Legislatures before the Union Act are now distributed between the different Legislatures and this Parliament. It was not the intention of the B. N. A. Act to strip this Parliament of any powers except those conferred on the Local Legislatures.