

practice of parliamentary government was opposed to the assumption of such power; and he was certain that when the country fully understood the extent to which power was taken they would come to see the great danger to our institutions involved in this Bill. It might be said—and there was some truth in it—that in a community like ours any serious encroachment upon the powers of the Legislature was exceedingly difficult to accomplish; still it could be accomplished and Earl Russell, among other recent writers on constitutional government, called attention in his work to the serious danger there was even in England which had been used for centuries to parliamentary government and for a long period to very extensive parliamentary control over the Crown—of allowing the power of the Crown to encroach upon the proper functions of the legislature; and Earl Russell called the attention to the fact that one danger that they had endeavoured to set before the House on several occasions had attained occasionally great dimensions in England, namely, that of allowing placeman to obtain seats in Parliament or, in other words, of allowing the Government to place members of Parliament in a position of dependence upon the Government. This was one form of overcoming the influence and power of Parliament.

Another and one still more dangerous was in the Government of the day, in bills like the present, gravely assuming to themselves the power to give Orders in Council the power and validity of an Act of Parliament. This was the power they sought for at present; and in order to test the sense of the House upon the subject, he would move, seconded by **Hon. Mr. HOLTON**, that the bill be committed, with instructions to amend such sections as gave to the Governor-in-Council the power to grant to a railway company a charter possessing the authority and validity of an Act of the Legislature, and also such sections as confer upon the Governor-in-Council authority to change the Act of Parliament by expunging there from all such provisions, as the granting of such powers to the Executive would be an abrogation by Parliament of its proper functions and involves the introduction into our political system of a principle at variance with Parliamentary Government.

Hon. Sir GEORGE-É. CARTIER said the hon. gentleman seemed to try to represent this Bill as a monster and to frighten members by the cry of an usurpation of legislative functions by the Government. That was not so. The principal question had been determined by Parliament not by the Governor-in-Council. What he had to settle was only what company the agreement should be made with and what route the railway should take. The Governor was not to vote the money or grant land unauthorized. No Government in our free country could dare to make such a proposition. If the Government could not find an incorporated company, it had power to give a charter to a company: not a capricious charter, but one founded on this Act and on the general Railway Act. The land granted would be principally Dominion land, even in British Columbia where 20 miles on each side of the railway had been granted to the Dominion Government.

The hon. gentleman said that was a usurpation of the rights of Parliament. The late Parliament of Canada had authorized the

Governor-in-Council to grant charters to companies for manufacturing and other purposes. They had other precedents sanctioned by the hon. member himself. They had given power to the Governor-in-Council to grant bank charters and to issue bank notes, a power more dangerous than that now proposed to be granted. If the functions of Parliament were now being usurped, they were then usurped. They had given such power in the Provinces to the Governor-in-Council.

Hon. Mr. HOLTON: Under the general law.

Hon. Sir GEORGE-É. CARTIER: And is not this under the general law?

Hon. Mr. HOLTON: I hope not. I hope it is a great exception.

Hon. Sir GEORGE-É. CARTIER hoped the House would not be frightened by the bugbear of the invasion of parliamentary rights, but would support the great institution of the Governor-in-Council. (*Laughter.*) He reiterated that it was a great institution in our country, because it had always been so wisely, so economically, and so beneficially administered. (*Laughter.*)

Hon. Mr. HOLTON called attention to the fact that, although the Government sought power to incorporate banks by issuing letters patent, the House was against it and they shrank from enforcing their demand. They had no such power as the Minister of Militia claimed they had. What was the use of this Parliament incorporating companies and demanding that certain formalities be complied with before their petitions could be considered when the Government could grant a charter at pleasure to a company to construct this stupendous work? To illustrate: Mr. Reekie and others of Montreal applied for an Act of incorporation for the construction of this railway, but through failure to comply with the rule requiring two months' notice to be given before meeting of Parliament, the railway committee would not even consider Mr. Reekie's petition. Of course the Minister of Militia was aware of the circumstances, having prevented the consideration.

Hon. Sir GEORGE-É. CARTIER [excitedly]: I never appeared before the Railway Committee.

Hon. Mr. HOLTON: Of course the hon. gentlemen did not, but he had a mode of keeping his camp in order, as he said himself, without appearing on the scene. The Committee refused to suspend the rules and notice of motion to get the rules suspended was placed on the papers. Finding the Lower Canada members were hostile to it, the motion was not brought before the House. Mr. Reekie and his friends, who could not even get their petition considered by the Railway Committee, could come to this Government and might be the very parties with whom the Government would contract for the construction of the road. A small fact would show more forcibly than argument the proposition of the hon. gentleman, than which proposition he (Hon. Mr. Holton) had never known one more objectionable submitted to Parliament during his term of public experience.