

he does not get an annual salary. And on the second reading of the Bill, Sir George Cartier said :

"The object of this Bill was to place the law on the independence of Parliament in the same position as it had been under the old Act of the Parliament of Canada, rendering it incompetent for the Government to employ any member of the House in any service whatever."

It is quite clear from the interpretation of Sir George Cartier that a gross violation of that law has been committed in the present case. I say that a gross violation was committed openly, above board, wantonly, in the face of the Act of Parliament; I say the Bill the hon. gentleman is submitting to Parliament is unprecedented in the annals of Parliament, and I challenge the hon. gentleman again to give this House a single instance where, in the Imperial Parliament or in the Canadian Parliament, the Government of the day, or any member of the House, ever succeeded in carrying through Parliament a Bill that not only indemnified the member violating the law, but gave him a seat in Parliament, not for the Session in which he violated the law, but for the whole of the Parliament, and not only that, but amended the Independence of Parliament Act in the interests of one individual, and to cover one individual case. It has been tried in England. A few evenings ago I referred to the case of Mr. Forsyth, who was appointed to the position of Standing Counsel to the Secretary of State for India while he occupied a seat for Cambridge in the House of Commons. Attention was called to his position; it was referred to a Select Committee. The Select Committee reported that Mr. Forsyth, by accepting the position of Standing Counsel to the Secretary of State for India, had vacated his seat for Cambridge. He had sat during a portion of the Parliament. An Indemnity Bill was brought in. That Bill passed the Imperial Parliament, the three readings in one day. In the subsequent Session a Bill was introduced, at the instance of Mr. Forsyth, to amend the Independence of Parliament Act, to enable him to sit in Parliament and occupy his position as Standing Counsel to the Secretary of State for India. What was the result of the discussion on that Bill? It is worth while considering it. The discussion upon that Bill is to be found in volume 185 of *Hansard*, and some of the first lawyers of the day expressed their opinion upon it. It was not as objectionable a Bill as this. It did not give Mr. Forsyth the seat, as this Bill expressly provides in the case of Sir Charles Tupper, but it proposed to amend the Independence of Parliament Act so as to qualify him in future. Serjeant Gascolee, in discussing the question, said :

"The learned gentleman (Mr. Forsyth) had been returned for the Borough of Cambridge; the question arose whether he could sit, and a Committee decided that he was excluded by the Statute of Anne. The object of that Act was expressly to exclude persons holding places under the Crown—'placemen'—from the House of Commons. If that Statute was not a wise one, repeal it altogether; but he did object to repealing it piecemeal and in favour of an individual."

Now, I say that is exactly what the hon. gentleman is doing in this case. He is repealing the Statute piecemeal and to cover an individual case. It was further stated, in discussing the Bill, by Sir Roundell Palmer :

"His hon. and learned friend said it was an accident and an anachronism, and that if the attention of Parliament had been called to the case, provision would have been made enabling the Standing Counsel to the Secretary of State for India to sit in that House. But how his hon. and learned friend was able to divine what would have been the legislation of the House, if a question had been brought before it which never was brought before it, it was difficult to understand."

He also said :

"He protested against legislation which prejudiced the principle of a large and important public statute resting on public policy, by taking a particular case out of it without any sound reasons applicable to that, more than to other cases."

I say every word of the statements of Sir Roundell Palmer is applicable to this case. This is an attempt to amend the Independence of Parliament Act in the interests of one man. More than that, it is giving that one man, who is not

Mr. CAMERON (Huron).

now, a member of this House, a seat in this House for the balance of this Parliament, and I shall vote against the Bill. I say it is a vicious Bill. I say it is not justified by any argument or proposition submitted by the First Minister. I say in every feature of it, and in every provision of it, and in every clause of it, and in every sentence of it, it is a vicious Bill. I say it is contrary to the opinion of the best writers upon the subject. I say it is contrary to the principles of representative Government. What does it do? Instead of allowing the people to select their candidates, the Government of the day, if backed up by a majority, select their candidates, and, more than that, they select their members of Parliament and make them members of Parliament. I say it is contrary to the first principles of responsible Government, that the people, who should have a voice in selecting a candidate and returning a member to Parliament, in this case are deprived of that right; and gentlemen on the Ministerial benches are proposing to elect to Parliament by an Act of Parliament a man who is not now a member of this House. I say it is subversive of the rights of the people of this country and ought not to be passed. It is to allow the majority of this House to do what they ought not to do, to put in Parliament a man who has not been elected to that position by the people. At every stage of this Bill, from the first to the last, I shall raise my voice and record my vote against it.

Mr. GIROUARD. Mr. Speaker, I believe that this question ought to be considered from a legal point of view. That is what I have heard hon. gentlemen opposite mention several times, but I believe anyone who has listened to the argument or to the speech, the violent speech, of the hon. member who has just sat down, will be convinced that that hon. gentleman has considered this question from every point of view except the legal point of view. I will not follow his course. I will endeavour, as I did last year, when the King's county election case, Prince Edward Island, came up for discussion before this House, to free myself from political sympathy or antipathy. I am going to examine this question, as I did last year, from a purely legal point of view. The hon. gentleman has said that we, members sitting on this side of the House, are going to elect a member to Parliament. I said last year we were not sitting here to elect anyone to Parliament. That was the duty, that was the mission, of the people of this country. No more to-day than last year am I going to give my vote for the purpose of electing a member to Parliament. I differ from the hon. gentleman upon the main question. I believe that, under the circumstances of the case, Sir Charles Tupper never vacated his seat, and it is in this respect especially that I differ from the hon. gentleman. If Sir Charles Tupper had received a salary, which is attached under the Statute to the office of High Commissioner, I would not hesitate one moment to vote against the Bill. I have listened with a great deal of attention to all the precedents quoted by the hon. gentleman, but I believe he has not quoted a single one which is really in point or similar to the case under consideration. All the precedents or cases quoted by the hon. gentleman were cases where salaries were actually received. In this instance I defy them—perhaps they will be able to do it, but I have not been able—to find a single case in England, or in this country, where the salary is removed, not only by a letter or an agreement on the part of the nominee, but also by the very paper of appointment, and when it has been held that a member of Parliament was disqualified. But, Mr. Speaker, I believe I am anticipating the course of my argument. Let us look first at the Act for securing the Independence of Parliament. Section 1 says :

"No person accepting or holding any office, commission, or employment, permanent or temporary, in the service of the Government of Canada, at the nomination of the Crown or at the nomination of any of the officers of the Government of Canada, to which any salary, fee,