

**Even the Poor Premier is Constrained
to Admit That There is
an Incongruity.**

Ottawa Feb. 13.—The anomalous position of Controller Prior, which has already been fully discussed in the commons, has been fully ventilated in the upper chamber. Yesterday afternoon Senator McInnes read the telegrams which the premier sent to Victoria during the recent bye-election and then proceeded to say:

"Before entering upon a discussion of the subject now before the house, I desire to make a statement not in partisan spirit, but with a desire to discuss

on the public platform, for which I was naturally abused by the government, and by the press and footers for presuming to question the power and authority of the premier to do as he pleased in all matters appertaining to his cabinet. Strange as it may appear to the hon. gentleman and perhaps to the leader of the government himself, I still question the constitutionality of his action. I cannot justify the action, therefore, I resumed my seat, that even the leader of the house will be convinced that my contention is strictly correct. The British constitution is exceedingly elastic, so is the Canadian constitution, but not sufficiently elastic I contend to enable or justify the executive, or premier, or minister of the crown, to disregard acts of parliament whenever it suits their purpose to do so. Everyone who has given the question the slightest attention will readily admit that all members elected to the commons enter that house on a perfect equality in the eyes of the law—that hon. gentlemen stand on the same plane as the commons on a perfect equality, entitled to all the rights and privileges of even the leader of the government himself. If the members of the senate and commons are on a perfect equality in the eyes of the law, I claim that the principle of equality in the cabinet is even more obvious than in all members of the cabinet must of necessity have the same status or stand on the same plane. But hon. gentlemen, there is no necessity of arguing this

merce as that the hon. gentleman's colleague from Halifax is controller of customs and the hon. gentleman from Calgary controller of inland revenue and that these two gentlemen are under the direction and control of the senior member from Halifax.

Hon. Mr. Power—I wish they were.

Hon. Mr. McInnes (B. C.)—Perhaps the telegrams have been read, which the premier admits are correct, these two gentlemen would be taken into the cabinet and have an equal voice with the head of the department—to use the premier's own phrase, would have an equal voice with him in all Dominion affairs, including the framing of fiscal and financial policies. After the fact was fixed in council, the controllers would retire and take their orders from the senior member from Halifax. I am disposed to think that these two gentlemen would be inclined to kick and bolt, and not only that, but if my hon. colleague from Halifax were to insist that he would be very apt to be told in polite language that he might retire to the torrid zone or something of that nature. To my mind it is perfectly absurd that subordinates can occupy the same position and use the same influence as the premier.

Now, I have given you what the late Sir John Macdonald expressed as his views when he introduced that measure into the commons in 1887.

ment. At this point the senator said: "I made a plea that the vacant portfolio be given to Col. Prior, or to some other gentleman representing British Columbia. I was then given to understand by the first minister and others that that was a Quebec portfolio, but observed that it remained vacant until within the last few days. I am glad to understand how the hon. the premier could see in his telegram of the 9th December last to the Liberal Conservative Association of Victoria, that 'I had always been his desire that British Columbia should have representation in the cabinet and that he had taken the first opportunity to give it to the present gentleman. How could the hon. gentleman consistently send that telegram when the office I have referred to that of the minister of agriculture remained vacant for over six months? If it was the desire of the government of which he is the head, that British Columbia should have representation in the cabinet, why, I ask, did he not call Col. Prior to the cabinet position could not be given to one of our representatives."

After dealing with the political exigencies which resulted in calling Col. Prior a cabinet minister if he really does not enjoy the privileges of being a member of the cabinet, the senator then proceeded to say: "There is nothing more to which I wish to direct attention. On the 17th of December the premier telegraphed to Col. Prior that his position was in the cabinet and removed all

the act specifies he does, with the difference that the government say he called a cabinet minister. On this point the premier says:

"The subordinate character of the controller of inland revenue is limited to the administration of the affairs of the department. When he was sworn in as a member of the privy council there was no limitation whatever to his power as a cabinet minister. If the hon. gentlemen had argued that, upon the fact of it, there was an apparent incongruity in the position held by the controller of inland revenue, there might have been some force in his remarks. I am not going to adduce any authority to distinguish to be drawn while he is administering the affairs of the department he does so under the advice, and control, if you like, of the minister of trade and commerce, but the moment he takes his seat in the cabinet he is at free to express his opinion and to assist in framing the policy of the government, while the administration of the department—whether it shall be of a protective tariff, free trade or unrestricted reciprocity—as the minister of trade and commerce himself."

Just so. That was what Controller Wood and Wallace did during the tariff revision, but they were still under the control of the minister of trade and commerce. It is in this silly notion of what Mr. Ives is capable of doing that you may find the cause of the trouble. Mr. Ives, within the council and at all other times be under his control.

language made use of by Dr. Bourne are the views that he holds to-day or did hold a few days ago, that it was not in accordance with the constitution to bring those two subordinates into the cabinet. That is all I want to say on that subject. With reference to Lieutenant-Governor Dewdney, I made use of the word "several times," but I do not think any harm will come from my use of me in referring to him, but I can accuse a disrespectful manner, in attributing to him any impure or evil motives. I merely stated the fact that it occurred to a great number of us, that a large range that the prime minister who had been associated with Col. Price for a great number of years in the house, and intimately associated with him since the premiership became a member of this house, should have, through a second party, the lieutenant-governor, whether he would accept of a position in the cabinet or not. That is the only thing I said. It was rather a puzzler to us. I did not have any reflection upon the leader of the government for doing it, nor upon Lieutenant-Governor Dewdney for replying and making the inquiries he did on behalf of Col. Price. Now, as far as the mistake on the school is concerned, the leader of the house is strictly correct in what he has read from the newspaper. I did make use of that language, and I intend to make use of it. It was owing to the fact that the vacancy occurred

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Hon. Mr. Turner was to the great advantage before the present had been suggested, it was desirable to adjourn by that time in order to be able to finish the bill. He would not doubt then go straight to the point. His intention would like to be that the estimates were to be sent to the President. There were two questions, one was the school law, the other was the assessment bill, and he would like to see the estimates of the school law. He had shown a due regard for the estimates and retrenchment, and he would not doubt have considered the estimates of the school law which the opposition had presented those bills.

Hon. Mr. Turner said that it was possible to estimate the school law. The government knew what was going to be. Both the school law and the assessment bill had been passed by the House. He would tell what the revenue estimates were, and he would be concerned, with the school law. The house was to be adjourned Tuesday next.

NOTICES

Mr. Macpherson—
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Toronto Star, annual report of the interior of the appeared, and it document.

The entries 2,114, as compared with the previous year—the arrival of Quebec, Halifax the first ten 23,363, as compared with the corresponding year—a decrease.

During the same year, 18,293 immigrants declared themselves as coming residents and with 18,293 of 1894—a decrease of 1,000 persons who signify settling in Manitoba number 4,901—while the previous year 7,749.

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The Man With the "Strongest" Public Record. He Holds Up the Entire Royal Ottawa Low Comedy Opera Troupe.

the merits of the question in a broad and dispassionate manner, and I trust that the members of the government and all others who may take part in the discussion will approach the subject in the same spirit. On the 15th of December last the people of Victoria were first apprised of the fact that Col. Prior, M. P., was offered and had accepted of the subject-ministry of the government. Col. Prior had been appointed controller of inland revenue and made a privy councillor. In the course of a few days, as the glamour of a controllership began to wear away, many of our most intelligent and independent spirits began to question the offer and acceptance of a subordinate position—not a seat in the cabinet, but a kind of a superior deputy-ministrship—as a sop and insult to the constituency and province. The conclusion began to run stronger, that even against the government and its candidate. Something had to be done and at once, in order to save the seat. The telegraphic wires were called into requisition and the telegram sent to the Premier, Mr. Mackenzie Bowden, reporting to have been sent by the premier to Lieut-Governor Dewdney, Col. Prior and the secretary of the Conservative Association of British Columbia, saying that Col. Prior was a man of high character, of high ability, voice and power in Dominion affairs as the—first minister, had. To that proposition of the first minister I took exception, claiming then, as I claim now, that the acceptance of a controllership was a degradation of the position. The “An act respecting the departments of customs and inland revenue” was a bar or disqualification of such occupant becoming a cabinet minister while holding such a subordinate position under the government. It was the opinion of those making a controller a cabinet minister could not be done without grossly violating not only the spirit but the letter of the act just referred to. Notwithstanding the emphatic and pragmatic statement of the premier which appeared in the Victoria government, I had no hesitation in expressing dissenting views on this subject privately and

point, former leader of the government himself affirms in his telegram to Col. Prior, in which he says, 'You are controller of inland revenue, privy councillor and a member of the cabinet, and have just as much voice in the affairs of the Dominion as I have.' Now, it will be seen that the action of the Government in creating the positions of controllers of inland revenue and customs, and the debate that took place in the commons when that measure was before that branch of parliament and see if it harmonises with the doctrine of equality of responsibility propounded by the premier in his telegram to Col. Prior and others during the recent by-election in Victoria."

The speaker then quoted from the act appointing the controllers to show that they were under the "general instructions of the minister of trade and commerce." He went on to show that under the act the controllers of the commerce was to be a cabinet minister at a salary of \$7,000, the controllers were to be under-secretaries with salaries of \$3,000 each. The only difference, he continued, "is that one can remove them and the ordinary deputy-ministers is, that they require to have seats in either house of parliament. They need not be members of parliament, but they are under secretaries in England, and it is well known that under secretaries in England are never members of the cabinet. It is clear, therefore, that the controllers and deputy controllers, of which I have quoted, but in order to put it beyond a shadow of a doubt, I will read, from the commons Hansard of 1892, the words of the Hon. Mr. Macdonald and others on the subject."

The senior read this and then said: "Apart from the unmistakable language made use of by Sir John Macdonald, who had charge of that measure in the other house, in reply to the members to whom I have referred, it appears to me that it would be absurd—if that is not too strong a term to use—to say that a subordinate can be equal to the head. It is almost like saying that a part is equal to the whole. Let us suppose, by way of illustration, that my hon. friend, the senior member from Halifax, had said to me, 'I have been

desire at this time to refer to the last work issued by Dr. Bourinot, who is, I think, the highest authority on parliamentary practice in Canada.

After reading from Dr. Bourinot, who clearly shows that the constitution is opposed to the controllers of the House of Commons, Senator McInnes said: "What I repeated often, that Dr. Bourinot had given his emphatic opinion that it was unconstitutional for the controllers to be in the cabinet. The Tories may say that the constitution is not what it was done before, when it interfered with their desires. The election in Victoria is now over and Dr. Bourinot does not hesitate to give his opinion publicly on the question." Senator McInnes on this occasion said: "I am in favour of liberty to use Dr. Bourinot's name, and to state that he has a most pronounced opinion on this subject, that he looks upon it as a great wrong and an outrage against the constitution."

Hon. Sir Mackenzie Bowden—Is that his language?

Hon. Sir Mackenzie Bowell—You latterly that impression.

Hon. Mr. McInnes—I will say, however, that, from what I could gather, his views are just as pronounced as mine. I think the majority, that these controllers are not entitled to be members of the government by virtue of holding such subordinate positions. I may also state to the house, that this is the view of the commonsense men of the Opposition—some of them only a short time ago—I think, were members of the week before—and the leader of the Opposition—who, I think, can be considered a very good constitutional authority—Mr. Morris, Mr. McInnes, Mr. Hon. Mr. David, and the be named Richard Cartwright, all concurred in the views which I have expressed. Notice only that, but the minister of justice has not yet officially admitted the force of the contention of the Opposition members."

He then went on to show that if Sir Mackenzie Bowell was anxious to give a portfolio to British Columbia he could have given it the agriculture depart-

doubts as to whether he was really a privy councillor; but on the 27th of the same month while the fight is still going on with greater vigor than ever Sir Charles Hibbert Tupper the ex-

Mr Charles Hibbert Tupper, the ex-Minister of Justice, telegraphed to the Prime Minister, Mr Laurier, on the night that he had signed the minute of council approving of your appointment as a member of the cabinet and of the "privy council." Notwithstanding the position given to you by the Prime Minister on the 17th of December, the Governor-General had not, 10 days later, according to the ex-minister of Justice, signed the appointment. I claim that this is a shocking amendment of the order, and that it controls their true position. - If they are on the same plane and have an equal voice with other members of the cabinet, they should not be asked to relieve them from the humiliating position which they now occupy of being subordinate to the cabinet and under the supervision of another minister. I claim that the order should be amended so as to make the position clear, and to make it absolutely certain that all who enter the cabinet are on a perfect equality, and enjoy all the rights and responsibilities of their high position should entitle them.

Sir Mackenzie Bowell in his reply said among other things I must admit the policy of Sir John Macdonald, where that act was introduced—I do not know that any member of the cabinet discussed the question offener with my late father than I did—was to place the controllers of the railways in the hands of the secretaries, or parliamentary officers, in England, to defend the departments over which they preside so far as the departmental work is concerned. But is there anything in the language of the act to show that the gentleman has just quoted, and who he has so often said during his remarks has been violated, to establish, even by implication, that a controller could not be made a member of the cabinet if he were a member of the government, under a different tendency?

So that the people of British Columbia will see from this that Mr. Prior merely occupies the same position as

No government can override the statute, and if the government is desirous of giving a position to Mr. Prior in the cabinet the act can be changed by parliament.

The following question will show what kind of a cabinet minister Lieut.-Col. Prior is:

Hon. Mr. Deboucherville—Was not decided some time ago that the Solicitor-General was a member of the cabinet?

Hon. Sir Mackenzie Bowell—Yes; he was in the cabinet also.

Hon. Mr. Scott—I do not remember. I do not think there was any statute defining that in the discharge of his duties he was to be in any way subordinate to the Attorney-General, though naturally

Hon. Sir Mackenzie Bowell—In the same way, every cabinet minister is subordinate to the head, because the head has the power to say he must go or remain; but I cannot see how the appointing of a controller to the cabinet

would be in any way an infringement of the
the Independence of Parliament Act. I
is a grave question whether the office of
controller having been created by statute
and not by the House of Commons, the ap-
pointment of a member of parliament to
occupy that position that he should go
back to the people. It is a question that
the minister of justice had grave doubts
about. I am not sure that the minister
controller the question was not ap-
pointed to the office of controller. I dis-
cussed and Mr. Wood-whom I know to
be a lawyer of no mean standing—was
of the opinion that there was no neces-
sity for the appointment of a member of
the House of Commons to the office, and
it would not be an infringement of the
Independence of Parliament Act, be-
cause the office had been created by par-
liament. But Sir John Macdonald, al-
though of the opinion, thought that for
the sake of the people, and to allay the
fear doubt would be to the people, and
back to the people who had approved of
the appointment to the office, there cer-
tainly was no infringement of the
Independence of Parliament Act by call-
ing him to the council.

Senator McInnes, in reply to Sir Mackenzie Bowell, said regarding Dr. Bourinot:

"The views which I expressed this afternoon, although not in the

for a stroll, and to Colonel Fraser after the hon. gentleman could no longer, with any degree of consistency or respect withhold that office. That was one of the reasons why the people, independent electors of Victoria, looked upon it as such an insult, as to ensure the hon. gentleman's presence at it keenly, and felt it keenly, and thus the vast majority of the people of that province, and the whole of the North-west, never submit quietly to any thing that is so gross an insult, and the erection of a sister province in this is the universal feeling, and it will crop out and make itself felt on every proper occasion. I do not wish the hon. gentleman to suppose that the Government of the house to be under any wrong impression. That is a fixed and settled principle in the west. The people out there, as a rule—and the hon. gentleman himself—know it and think for themselves. Anybody in the west who is not tolerated by them, is not now done.

But as to whether Lieut.-Col. Prior is a member of the cabinet or not is a small matter. He is a supporter of the worst government under the sun and ought therefore to be defeated.

—The little daughter of Mr. Prof. Webster, Hollander, Mass., had a very bad cold, and cough which he had not been able to cure. He had bought and tried him a 75 cent bottle of Chamberlain's Cough Remedy, says W. P. Holden, merchant and postmaster at West Bridgewater, and the next time I saw him he said it worked like a charm. This remedy is intended especially for children, and cures all kinds of colds, whooping cough, throat and lung diseases, such as croup and whooping cough, and is very famous for its cures. There is no danger in giving it to children for it contains nothing injurious. For sale by all druggists, Langley & Co., wholesale agents, Victoria and Vancouver.

J. B. McArthur, of Rossland, is at the
Driard.

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