

that, in order that there may be such a union, "it is expedient, not only that the Constitution of the legislative authority in the Dominion be provided for, but also that the nature of the executive government therein be declared." There are two things the Act does—it declares certain things that are law, and it enacts certain things that were not law before the enactment took place. All through the Statute you have declarations, and you have enactments, and you have this provision with regard to the Constitution, that it is to be "similar in principle to that of the United Kingdom." And what that is, you are compelled to look outside of the Act to learn. But when we come to the Constitution of the Senate and of the House of Commons, every power under the legislative authority is enacted, and not declared, and, being enacted, it exists within the Act altogether. When we look at section 34, we find this provision :

The Governor-General may, from time to time, by instrument under the Great Seal of Canada, appoint a senator to be Speaker of the Senate, and may remove him and appoint another in his stead.

There is marked distinction between the Constitution of the House of Lords and the Constitution of the Senate. In the case of the Constitution of the Senate there is no power possessed by any officer, other than that set out: in the Constitution of the House of Lords, the Chancellor is Speaker by virtue of his office, and the Deputy-Speakers are parties named in the letters patent. The Speaker of the Senate is not necessarily a member of the Government; he has no executive functions; his functions are those of a Speaker, as provided in the British North America Act. If the Speaker of the Senate is ill and incapable of discharging his duties, the law provides that his appointment is only during pleasure, and the Government may at any time supersede his appointment, by issuing letters patent to another party. That is what has been done heretofore, and, that being so, I contend there is no way of providing for a Deputy-Speaker in the other Chamber, other than by the authority of an amendment to the British North America Act. The section I have read, section 34, is the only one applicable to the case, and, that being so, if the Government desire that there shall be a Deputy-Speaker, they ought to have come down early in the session and asked the House to join in passing an address to the Imperial Parliament to amend that section of the British North America Act. I point out that, when we desired to acquire power to examine witnesses before our various committees, on oath, we applied by address to the Imperial Parliament to amend the 18th section of the British North America Act. That was the course open, and the hon. gentleman, if he desires to appoint a Deputy-Speaker, if he wishes to take the responsibility of declaring to-day, that a second officer, an alternative officer, is

Mr. MILLS (Bothwell).

necessary in the Senate Chamber, let him propose to amend this 34th section. He could do that by providing that the Governor-General may, from time to time, under the instrument of the great seal, appoint a Speaker and a Deputy-Speaker, who shall undertake the duties of Speaker, in the absence of the Speaker of the Senate. That could be done. But I would like to know how the hon. gentleman can for a moment suppose that, when the Act provides that the appointment is to be by the Crown, that the appointment is to be under the great seal, that the party must be so appointed to discharge the duties of Speaker, that they can by an Act of Parliament divest the Crown of that power and, in effect, amend the British North America Act. It is true, that, so far as measures are concerned that are within our jurisdiction, so far as we are authorized to legislate, the prerogatives of the Crown being a part of the law of the land, we can extend it, we can restrict it, we can abolish it, if we see proper. But with regard to that prerogative here given to the Crown, it is a prerogative power given under an Act which we are not authorized to amend. There is no authority given to this Parliament to amend the Act; there is no constituent authority given to this Parliament, other than that set out with regard to the election of the House of Commons. That being so, I wish to call attention to another section that seems to be relied upon in the Senate by those who favour the Bill, and that is section 91. Now, there is not a syllable in section 91, from beginning to end, that relates to this subject; there is not a syllable which provides in any way that you can alter the Constitution of Parliament, when the Crown is given the power to appoint a Speaker to the Senate, under the great seal. But you propose to appoint a Speaker in some other way, you are amending the Constitution itself, which you are not authorized to do. There is nothing in the Act warranting such a proceeding. Now, when you look at section 91, you find it is a grant of legislative power, it is not a grant of constituent power. There are a series of sections relating to the Constitution of the House of Commons. Sections 40 and 41 are constituent, and if section 91 had the meaning that some parties in the Senate have given it, then sections 40 and 41 would have been wholly unnecessary; you have a limited power in the Constitution on the subject of the constitution of this House, just as they have the inherent power in legislative assemblies to legislate upon their local constitutions. But when you look at section 92 you find the very first article is the power given to the Local Legislatures to alter their constitution. There is not a syllable in section 91 about the power of this Parliament to alter its constitution. When you look at section 91 you find a number of examples set out which shows the character