

places, if it was their intention to continue in the House. There was abundance of precedent for this measure, both in this country and in England. No honorable gentleman would like to see members of the other House mulct to the extent the law imposed for violation of the Independence of Parliament Act.

Hon. Mr. MILLER said he did not wish to allow this bill to pass without expressing the reasons which induced him to record his vote against it. He admitted, at the outset, it was a very delicate matter, perhaps, for this House to reject a bill which had been sent to it under such peculiar circumstances as this, and relating exclusively to the House of Commons, but he held the Senate had a perfect right to exercise an independent judgment upon every question that came before it. He did not endorse the opinions thrown out by some honorable gentlemen, that when a bill affecting the House of Commons came up to the Senate, the decision of the majority in the other Chamber should be deferred to without questioning its wisdom or soundness. If that was the limit of the powers to be exercised by the Senate, it was worse than an absurdity and a farce to ask it to deliberate upon such measures. If such an argument could be used in this instance, it could also be applied to bills respecting the franchise, or the distribution of seats. Yet no one would say this House had not as good a right to express an independent opinion upon those subjects as the branch of the legislature affected by them. His difficulty in dealing with the measure before the House was not of this nature. Every honorable Senator must look with regret upon the unfortunate position in which, it was said, some thirty or forty members of the other House were involved, many of them unwittingly, but some of them altogether unjustifiably. In many cases the essential element of corruption was, certainly, absent, but in others it was so conspicuously present that it was a serious matter for this Chamber to pass a sweeping measure indemnifying all who had been guilty of violating the Independence of Parliament Act, in the other House. Notwithstanding the assertion of the honorable Secretary of State, no precedent for such an extraordinary measure could be found either in England or in the Dominion. Since Confederation there had been one or two measures to indemnify certain members of the Commons, but the circumstances were altogether different from those before the country now. In the first instance after Confederation, it had been found necessary to create several heads of departments, which had not been recognized before in

any part of the Dominion, and consequently when those persons came into Parliament they did so without any warrant of law, and it was found necessary to pass an act to indemnify several of them from the consequences of the law. Since then an act was passed in the case of Mr. Perry, who had been Speaker of the Prince Edward Island Legislature before his election to the House of Commons. There was a doubt as to his power under the laws of Prince Edward Island to resign the speakership of the Local Legislature, and consequently as to his right to sit and vote in the House or Commons. Several writs were issued against him, and a measure was passed to indemnify him. The bill before the House was altogether different in character from those to which he had made reference. He would not enter into details, the discussion of which might not be fair to gentlemen who were not present to defend themselves, but, with regard to some of the cases covered by this bill, he entertained very strong opinions that the Independence of Parliament Act had been violated in the most audacious and open manner—in a manner that had received unqualified condemnation from one end of the Dominion to the other. This House was called upon to pass an act to indemnify parties who had broken the law, without distinction, and without regard to their guilt or innocence. It might be contended that the act was too severe. He was not one of those who subscribed to that argument. To sit in this Parliament without right was a grave and dangerous offence. He knew of no offence for which the penalty ought to be more deterrant than a breach of the Independence of Parliament Act, because it might endanger or subvert the rights and privileges of the people. With parties nearly balanced in the House of Commons, the Government of the day might easily so influence two or three members as to enable them to impose the most serious consequences on the public. It was for this reason the Canadian Parliament had wisely imitated the mother country and fixed the penalty for this offence at such a rate as to deter the boldest from violating the law. But it was now proposed by a Reform House of Commons, when it was ascertained that a number of gentlemen had incurred this penalty by the misconduct of this pure Government, to indemnify them and virtually wipe out the Independence of Parliament Act from the statute book. There was another feature of this matter which should not be overlooked. Some cases of the most flagrant breaches of the Act had been referred to a committee of the other House, a majority of