

from Bothwell (Mr. Mills) has argued that the Government cannot change the character of the office, and that there is a change in the character of the office if the person appointed to it accepts it without a salary, and he referred—I think, if I am not mistaken, it was he who referred—to the case of Daniel Whitton Harvey. Now, the case of Daniel Whitton Harvey is entirely distinguishable from this, as anyone who refers to the facts will see. The appointment of Daniel Whitton Harvey was made, he was actually appointed to the position, but, after the appointment was made whereby *ipso facto* his seat in Parliament became vacated, he wrote and said he accepted the position on the condition that he did so without a salary, in order to save his seat. But it was too late; the harm was done; he had been appointed, and the very appointment to an office to which a fixed salary was at that time attached vacated his seat. The Statute creating the office of High Commissioner says that the High Commissioner shall receive a salary of not more than \$10,000. Now, with all respect to the opinion expressed by my hon. friend who sits behind me (Mr. Girouard), I must say I totally dissent from it. I do not think that the acceptance of the office without a salary was inconsistent with the terms of that Act, or that the commission was therefore void, nor do I agree with the opinion of my hon. friend from Bothwell, that the appointment to the office without a salary is an alteration of the character of it. The office is the same, whether a salary is attached to it or not. There was no obligation on the Government to fix a salary, but if none had been fixed, it might be argued that, at some future time, an arrangement would be made to pay the High Commissioner, or he might be entitled to be paid on what we lawyers call a *quantum meruit*. But here a proposition was made by the Minister of Railways that he would accept the office without a salary as attached to that office, and that was the beginning, apparently, as far as the documents before Parliament show, of the transaction that led to his appointment to this position. Well, from the first, there was no salary, *quoad* Sir Charles Tupper, attached to that office. He said, I will discharge the duties without the salary. The Government said on that condition we will appoint you High Commissioner; and he was appointed on that condition, in accordance with the terms of the Act, because I do not read the Act as making it compulsory to attach any salary whatever. Then, my hon. friend from Bothwell has argued that a member of the Government might equally well accept the office of Lieutenant-Governor of a Province, or a Judgeship, or anything of the kind; but surely he must see the inconsistency between the position of a member of the Government, a member of the Privy Council, and one of those offices he has mentioned. But between the position of a member of the Privy Council, a member of the Government, and the position of High Commissioner, temporarily discharging the duties of that office in England, there is no inconsistency. Sir Charles Tupper could perfectly well discharge the duties of both offices, and hold them both, and when in England could act as High Commissioner, and when here could act as Minister of Railways, as he has done. I think, therefore, as far as I can form an opinion on the Statute, that really this Act is not necessary; but, if there be a doubt about it—and, if my hon. friends are so clear on the subject, we may assume that there is a doubt about it—this is a case in which the doubt ought to be removed, and, therefore this legislation is proper, is reasonable, and is fair. Moreover, we are following in the footsteps of the hon. gentlemen opposite, but very far behind them. Where they whitewashed by hundreds, we are only whitewashing by one. We are dealing with a special case, a meritorious case, a case deserving to be disposed of by Parliament and to have any doubt which may exist removed. For that reason, I have no hesitation in supporting the second reading of the Bill,

and when the matter comes before the Committee on Privileges and Elections, my hon. friends will have an opportunity of repeating their arguments; but, if they do repeat them, they can only show that there is a doubt, and if they show that there is a doubt, they show the necessity for this legislation.

Mr. MACKENZIE. My hon. friend has misrepresented the Act of 1877—

Mr. CAMERON (Victoria). I read it.

Mr. MACKENZIE—very materially. If Sir Charles Tupper, for instance, says that he unwittingly violated the law, and wants indemnity for it, I am willing to vote that indemnity, but I am asked, besides doing that, to seat him as a member afresh. We are undertaking to elect him to Parliament, as well as to indemnify him. The Act to which the hon. gentleman alludes, for which I was responsible, having brought it in and carried it through the House, did not ensure the seats to any of the parties who might have rendered themselves liable to the penalty. It simply removed the penalty from those who unwittingly got themselves placed in a wrong position. There is, therefore, no analogy whatever between the two cases, and he must have seen that perfectly well, though he endeavoured to raise a dust to cover his own retreat. Why is this Act brought in at all? Notice was given of an intention to amend the Act before the case was discussed in the House at all, showing the Ministry were perfectly conscious that Sir Charles Tupper was not entitled to sit after having accepted that office. I was somewhat surprised to hear the argument of the member for Jacques Cartier (Mr. Girouard), but, of course, the logical result of his argument is, that he will vote against the Bill, because he has stated frankly that his opinion is that there was no power to make the appointment, and that, if made, it was illegal; and to be illegal is of course to be unlawful, and therefore, there is no necessity for the Bill, and, of course, he will vote against it. I did not hear him say that he will vote against it, but the logical sequence of his argument is that he will. If the hon. member for Victoria only desires an indemnity for an unwitting violation of the law, I am willing to vote for it, but I am not willing to accept the responsibility of electing a member to this House.

Mr. CAMERON (Victoria). The word “unwittingly” is not in the Act, and I read the very words of it, so I do not think I can be accused of throwing dust or attempting to mislead.

Mr. MACKENZIE. The hon. gentleman knows perfectly well that that Act did not confirm the seat to anyone. It left that quite open, and nothing can show more clearly than the fact that one of my colleagues, being interested in a company that had a contract, went to the electors and lost his seat. Let the hon. member for Cumberland follow the same practice.

Mr. CAMERON (Victoria). He would not lose his seat.

Mr. MACKENZIE. Let Ministers and my hon. friend for Victoria pass a similar Bill to what was passed in 1877, and they will see where Sir Charles Tupper lands, in the same manner as was seen in 1877. The hon. gentleman has endeavoured to raise a cloud of dust, and he is entirely wrong, and has either misapprehended the Act to which he alludes, or has misinterpreted it to suit his own argument.

Mr. BEATY. The question before the House is undoubtedly one of great importance, in connection with the liberties of the people and their representation in Parliament. I do not expect to place the matter in any specially new light, in view of the observations which have already been made on both sides of the House, but I would restate the facts, as I understand them, in connection with this matter. The