

the British North America Act, does not refer to powers granted by statute, but to inherent powers and privileges from parliamentary privilege and precedent. Such rights may be defined by statute, but whether so defined or not, cannot exceed those held, enjoyed and exercised by the House of Commons.

This clause applies only to inherent rights. This was never claimed as an inherent privilege by the House of Commons, and the fact that in 1871, the House passed an Act for the examination of witnesses on oath is proof that it was not claimed by them as an inherent privilege.

The 18th clause simply limits inherent privileges, but does not limit legislative powers.

The 91st section of the British North America Act defines our legislative powers clearly.

We have exercised those powers in 1868, by passing an Act for the examination of witnesses on oath by committees on private bills. That Act has not been disallowed, and all acts passed by Colonial Legislatures pass under review in England.

Before Confederation the Legislature of New Brunswick in 1860, passed an act for the same purpose and that act was not disallowed.

The opinion of A. Todd, Esq., is that this argument is clear and unanswerable. It gives the whole question in a small compass and could not be more clearly, concisely or tersely expressed.

(Signed.) A. Todd.

Hon. Mr. CARRALL said he could now quite understand from the special pleadings and elaborate renderings from authorities which the hon. gentleman from Grandville (Hon. Mr. Letellier de St. Just) had treated them, that he thought one of those Parliamentary crises was at hand, and that he might help to give the *coup de grace* to the Government. But with all his astute elaborate reasoning he was not prepared to support the bill. But after the speech of the Senator from Amherst (Mr. Dickey) a birth had taken place in his (Mr. Carrall's) mind, namely, a doubt as to the ability of the House to pass this bill. He shared with his hon. friend from Grandville the opinion that this bill ought not to have escaped the attention of the Minister of Justice, whose opinion they regarded as of more weight than that of any other man in the Dominion; and he hardly expected that one so cunning and astute as that gentleman should have stood godfather to the bill unless he thought

we had the right to pass it. We had a written constitution, and could not go beyond it. The English constitution was not so, but as elastic as India rubber. (A laugh.) Now as to whether this bill transcended our power or not, under the Union Act, he left it to those skilled in the laws to determine. He would be careful in voting for a second reading if he thought the bill violated the constitution. If it passed it might prove a two-edged sword, operating against hon. gentlemen opposite at some future time, when they might be in power. (Hear, hear.)

Hon. Mr. WILMOT said what is the meaning of responsible Government? We are here legislating for the people of the country. We have a Constitution similar to the British? Parliament has power to pass laws for the good government of the people and in furtherance of their interests. If the argument of my hon. friend (Hon. Mr. Dickey) is correct, I think he ought to have objected to the Bill passed a few sessions ago relative to Nova Scotia—its better terms. I do not remember his objecting to that measure on any mere verbal grounds. (Laughter.)

Hon. Mr. DICKEY—That was for the peace and good order of Nova Scotia. (A laugh.)

Hon. Mr. WILMOT—And this is for the peace and good order of the people of Canada—to secure evidence on oath as to certain grave charges before a Parliamentary investigation committee. While I would be the last to infringe upon the rights or privileges of this branch of Parliament, I should be the last to stand here as appointed by the crown, to vote against the voice of the people's representatives in a matter of this sort—a measure passed by them unanimously. For us to oppose them upon a mere literal or verbal rendering of the B. N. A. Act would be contrary to the spirit of representative Government. Why, our dealing with Nova Scotia was contrary to the reading of that Act. If we had gone by the strict letter of the law we should have asked the British Parliament to change that Act. If we determined to resist the action of the people's House, we should place ourselves in a most anomalous position. (Hear, hear.)

Hon. Mr. MACDONALD (Victoria) believed that not one of the hon. gentlemen had met the argument of Hon. Mr. Dickey. As to the Commons act, surely we were here as independent and free as that House. We were to reflect more calmly and proceed more deliberately. Nor was there the same feeling here which prevailed there when the bill was passed.