

that case, according to what has passed, we are not to expect any information. I move this motion, hoping that the Minister will not choke off inquiry any further in relation to such matters.

Sir CHARLES TUPPER. I am sorry to find that so great a stickler for order as the leader of the late Government should, in making his motion, violate that point of order which declares that no reference shall be made to a previous debate.

Mr. MACKENZIE. I made no reference to a previous debate.

Sir CHARLES TUPPER. The hon. member referred to the debate that has just closed.

Mr. MACKENZIE. I made no reference to a previous debate. I said I hoped the parties were not likely to fail.

Sir CHARLES TUPPER. Did not the hon. member refer to choking off?

Mr. MACKENZIE. Certainly, that was by the division.

Sir CHARLES TUPPER. I may say, with reference to this, that I am not aware exactly of any offers having been made for the construction of the road to Sault Ste. Marie. There are applications in connection with that work for subsidies. I shall be very glad to bring any papers down that have reference to that project in any shape.

Mr. MACKENZIE. I wish to ask if the hon. gentleman will bring down a statement of the expenditure upon the Pacific Railway, before this debate upon the motion commences?

Sir CHARLES TUPPER. Yes.

Motion agreed to.

#### PACIFIC RAILWAY COMMISSION.

Mr. MILLS, in moving for an address to His Excellency the Governor General for a copy of the Royal Commission issued to Messrs. Clarke, Keefer and Miall, to enquire into certain public matters, together with any instructions reduced to writing, relating to the same; also the salaries allowed to the said Commissioners, the amount so far paid to each, and the cost of the Commission up to date, said: I observe, with regard to the Commission, statements made by the hon. the Minister of Railways, and by some of his colleagues, that seem to me at variance with our constitutional rights, and with the law of the land. I notice that those hon. gentlemen lay down propositions broadly that they are at liberty to enquire into any public matters, that they can appoint a Commission to enquire into the conduct of Ministers of the Crown, that they can enquire into the conduct of persons who have been Ministers of the Crown in their official relations, and that they can enquire into matters which have already attracted the attention of Parliament. Now, it seems to me that these practices are wholly at variance with the well known principles of parliamentary government. If the report which appeared in the newspapers is correct, the hon. the Minister of Railways informed the people at a public meeting that this Commission had been issued at his instance, that certain charges had been made against himself, and that the Commission was appointed for the purpose of enquiring into them. Well, it seems to me that when a Minister of the Crown advises His Excellency to issue his Commission for the purpose of enquiring into charges which have been made against such Minister, he is violating the first principles of law which forbid any man being a judge in his own case, or appointing a party by whom he is to be judged. That is what the hon. gentleman has done, and precisely the same objections can be raised against this Commission as were made from this side of the House some years ago to the appointment of a Commission to enquire into certain corrupt practices which were alleged to exist in connection with the granting of a former charter

Mr. MACKENZIE.

for the Pacific Railway. A copy of that Commission has appeared in the public press, and it refers to certain charges made against the hon. gentleman on the floor of the House as one of the grounds assigned for the issuing of the Commission. Now, I beg to call the attention of the House to a rule of parliamentary law of long standing, but which has as much force as it had at the time it was first declared in the House of Commons. In the remonstrance of the Commons to Charles I., 15th December, 1641, it was declared:

"That it is their ancient and undoubted right and privilege that Your Majesty ought not to take notice of any matter in agitation or debate in either of the Houses of Parliament, but by their information or agreement."

This resolution was carried against the interference with the privileges of the House of Commons by the King, who had taken cognizance of what was passing in the House. When he demanded what had been said by certain members the Speaker informed him that he could give him no information in regard to them, that he had no eyes for the purpose of seeing anything that transpired in the House except what the House brought especially under his notice. The doctrine laid down in this resolution is, I contend, that the Crown can possess no information with regard to any statement made in this House unless the matter is specially referred to the Crown. If any charge were made against the hon. gentleman or against any member of the Government or of this House, whether on this side or that, it is competent for this House to investigate that charge, but it is not competent for the other House or for the Crown to do so. I know that the terms in which the power of issuing commissions are referred to in the Act are very broad, but I submit they will not at all bear the construction which the Government have put upon them. The provisions of this Act are to be interpreted with reference to the law of the land, and the powers that are conferred are to be confined within those limits which it was the obvious intention of Parliament should not be overstepped by any inquiry made at the instance of the Government. It is perfectly clear that the Crown would have no power to issue a Commission to inquire into any criminal act; it is perfectly clear that the Crown will issue no commission to inquire into anything that properly comes before any legal tribunal of the country. If we are to construe this Act, broad as are its terms, so as to prevent the Government from issuing a commission to usurp those functions that belong to any court for the administration of jurisprudence, it is equally clear that we are so to construe the Act that the Government shall not trench upon the powers belonging to the High Court of Parliament. The words are these:

"Whenever the Governor in Council deems it expedient to call an inquiry to be made into and concerning any matter connected with the Government of Canada, or the conduct of any part of the public business thereof, and such enquiry is not regulated by any special law, the Governor may, by the Commission in the case, confer upon the Commissioners power to do, &c."

I contend this is a matter that is regulated by a special law of Parliament. It is the law of Parliament that any charge made against a Minister of the Crown in his capacity as such, should be investigated at the instance of the House of Commons, and not at the instance of any other body. Nothing could be more monstrous than when a charge is made against a Minister of the Crown to have the investigation conducted by a person appointed by the Minister himself. It is laid down in *Herstlet's Precedents* that the House of Commons, as the grand inquest of the nation, may examine into the conduct of any public official or officer on mere common fame. It is not necessary that any charge should be especially formulated. If any rumor has gone abroad affecting the public conduct of a Minister of the Crown, or of a Member of Parliament, it is competent for the House of Commons upon that to base an enquiry. To show that the rule in England is not the one upon which the hon. gentlemen opposite have acted, and that they have no right