

Government of the day; but in the case of the disallowance of this Bill there was the decision of the whole of the Government.

Mr. MILLS: Do not the Government in such matters always act on the opinions of the Solicitor and Attorney Generals?

Hon. Sir JOHN A. MACDONALD: I can answer that promptly. The Government do not always so act. Frequently they act contrary to the opinions of those officers. I tell the hon. gentleman that the Lord Chancellor is the final adviser on such matters, and that in this case the Lord Chancellor, who is perhaps the first lawyer in England, and the Attorney and Solicitor Generals all agree.

Hon. Mr. WOOD: How does the hon. gentleman know that? It is not shown in the despatches.

Hon. Sir JOHN A. MACDONALD: I can tell my hon. friend at once that the action of the Attorney and the Solicitor Generals can have no effect on the Lord Chancellor, without whose assent no action of the Privy Council ever takes place. But, Sir, whether the Commission was legal or not, and we will suppose for a moment that it was not, though it is a great stretch of supposition, would it not have been well for the hon. member for Shefford (Hon. Mr. Huntington) to have come before that Commission? Would it not have been well for the hon. member, as a man really anxious to have justice done? Would it not have been well for the hon. member if desirous of the triumph of his party, not desirous of the defeat of a Ministry, not desirous of a change of Government, not really, truly, anxiously, and, as he said, painfully desirous of having justice done, to have come before the Commission and have followed up the investigation from day to day? I think the House will say that the privileges of Parliament were not endangered, and that he might safely have prosecuted the matter and have brought the offenders to justice, and that he could have done so without prejudice to his position as a member of Parliament.

Why, it did not suit his game to come. It did not suit his plans to come. The hon. gentleman's game was first to destroy the Government and not to have a real inquiry into the conduct of the Administration.

Besides, Sir, and it is consideration of some importance to the House, and one that ought to have great force in the country, I myself, and the other members of the Government who were in this country desired to give our explanation under oath. I went there, Mr. Speaker, and you know it was said in the newspapers that the Commission would be a sham, and there would be no examination at all, and that the members of the Government and other witnesses would shelter themselves under the plea that they need not criminate themselves. I would ask you, Sir, and every hon. member, whether every member of the Government, when called before that Commission did not give full, clear and unreserved statements as regards all the transactions connected with the Pacific Railway. (*Cheers.*) As I believe that that Commission was issued in accordance with the law, because the Crown as such had a perfect right to enquire into that matter, so at the same time I believe that in

no way was it designed, and in no way did it in any way obstruct the action of Parliament.

Mr. Speaker, this House is not governed by that Commission or the evidence, although the member for Lambton has quoted the evidence, and used it, and made it the basis of his motion. I say the House is not in any way bound by that Commission. It is in no way checked or obstructed or prevented from instituting the most searching examination into the matter. As a matter of fact, I believe that when the member for Shefford (Hon. Mr. Huntington) made his charges here, there was a notice given in the Senate for an inquiry, and there was no reason in the world why the Senate should not have had an inquiry. They might have had a Committee, and, as we have often seen it in England, the two branches of the Legislature might have had concurrent committees sitting at the same time; and it might happen, as in England, that these committees might come to different conclusions. If a Committee had been granted by the Senate would that have been a breach of the privileges of this House? Certainly not. Well then Sir, if be not a breach of the privileges of Parliament that the second and third branches of the Legislature should have concurrent examinations into a certain charge, how can it be a breach of the privileges of the second and third chambers for the first branch of the Legislature to go into the matter. (*Cheers.*) If the Senate can discuss the matter cannot the Sovereign go into it?

Sir, the answer is too obvious to admit of doubt, and it must be remembered the Sovereign holds a two-fold position; that the Sovereign is not only the first branch of the legislature, and as such has a right to inquire into such matters, but is also the head of the executive and is the executive. The Crown governs the country; the Crown chooses its own Ministers, and this House has no control and the Senate has no control over the Crown in this respect except in deciding whether they have confidence in the Ministers chosen. The Crown in order to be a reality and not a myth, must have the full and sole selection of the individual members to form the Government, and it is then for Parliament to say whether that selection is such as will command the confidence of Parliament as well as enable them to carry on the affairs of the country.

If that is constitutional law, and I think it is, what is the consequence? Is that the Sovereign has the right to inquire into the conduct of its own officers. If an offence is committed the Crown has a right to enquire into it. If a charge is made the Crown has the right to ascertain whether that charge is true. I will suppose the case of a Minister charged with a crime amenable to common law. Could not the Crown make inquiry into such a matter? The proposition is too absurd a thing to need an answer, for we know of many cases where the Crown has made such inquiry.

The case that is most applicable in principle to the present one is that of Lord Melville, and I will refer to that because it lays down certain principles to which I would invite the attention of the House. The case is especially applicable because the matter was first discussed in the House of Commons; and it is said here that because the matter was first discussed in the House of Commons it should