

quence of that fact, but surely it is the practice of this House to refer Bills involving general principles to Committees. My hon. friend, I think, has had two or three Bills referred to Committees for consideration, involving general principles; the hon. member for L'Islet had a Bill involving a general principle, also affecting the Independence of Parliament Act and the election of members of this House, and he had that Bill referred to a Committee for consideration; and it is the ordinary routine and practice of the House that all Bills should go to a Committee, whether they involve a general principle or refer to a special Act or a special case. It is true that an untimely fate has overtaken the Bills of my hon. friends, to which I have referred, but that was not the fault of the Committee to which they were referred. The cause of their untimely fate might be found nearer home, by my hon. friends whose Bills have been unfortunately slaughtered. My hon. friends also object to this Bill, as being wrong in principle, on the ground that it is not right for Parliament to legislate on a subject of this kind, and, I presume, to remove a doubt or to relieve from a penalty, if that penalty has been unwittingly incurred. Are my hon. friends opposite consistent in that position? Do they forget what occurred in the Session of 1877? Do they forget the Bill that they themselves introduced, not a Bill to remove a doubt in one particular case, but a wholesale whitewashing Bill—a Bill to whitewash, as it was alleged, probably about half the members of this House, and a Bill of what I must term a most reckless character. The material clause of that Bill was to this effect:

"Any person who has at any time since the passing of the said Act, been elected a member of the House of Commons, and who, acting under the *bona fide* belief that he was or continued to be qualified and capable of sitting or voting as a member thereof, has sat or voted therein, shall be and is hereby indemnified, exonerated, freed and discharged, from all pecuniary penalties of forfeitures whatsoever (if any) which may have been incurred by him by reason of having so sat or voted at any time, up to the end of the present session of Parliament."

That is the wholesale whitewashing Bill which my hon. friend opposite introduced and carried through Parliament by the large majority he then had at his back, in spite of the protests of the hon. gentlemen on this side, who then occupied seats on the opposite side. Some of my hon. friends who then sat on that side were twitted by the then Ministerial supporters that they themselves would be benefited by the Act, but they repudiated the benefit. My hon. friend who sits before me said, with indignation, that he wanted no such legislation; the hon. Minister of Customs, when taunted by the hon. member for East York (Mr. Mackenzie) with the fact that he himself would be relieved by the language of the Act, repudiated the Act and said he wanted none of it. Every member of the then Opposition opposed the passage of the Bill, yet the hon. member for East York, the then leader of the House, carried the Bill through, and whitewashed wholesale, probably about half the members of the House, who had been charged, at any rate, with having violated the Independence of Parliament Act. Some of them, no doubt, had done so; in some cases it was perfectly clear, but what did that Act say? It whitewashed everybody who chose to say: I acted under the *bona fide* belief that I was entitled to sit. It did not consider the question whether he had or not violated the Act, whether he had done so with his eyes open, or inadvertently, but it said that as long as he *bona fide* thought he had a right to sit and vote, he should be whitewashed and re-established in the future. Yet these hon. gentlemen stand up and say this Bill is wrong in principle, this Bill which is only introduced for the purpose of removing a doubt, if a doubt exists, in a particular case, and removing that doubt particularly in the case of a gentleman having the claims the hon. Minister of Railways has to the favourable consideration of the House and the country, a man who certainly, if he has erred in this matter—which I do

Mr. CAMERON (Victoria).

not admit—has erred unwittingly; a man who is entitled to be relieved, if anyone is; and when the Bill, on the face of it, shows plainly and squarely what the doubt is, states the specific case and the ground on which the relief is sought. Has any one hon. gentleman who has spoken on the other side ventured to say that there has been any actual violation of the spirit of the Independence of Parliament Act by what the hon. Minister of Railways has done?

Sir RICHARD CARTWRIGHT. Yes.

Mr. CAMERON. Have we heard that argument from that side of the House? Has anyone ventured to argue that this case is within the mischief contemplated to be removed and prevented by the Independence of Parliament Act?

Some hon. MEMBERS. Yes.

Mr. CAMERON. Not one has said it. What is the mischief that is intended to be prevented by the Independence of Parliament Act? It is the mischief of the Government of the day controlling by corrupt inducements the members of this House to support them. Does that apply to this case? Can it be, for instance, said that the hon. Minister of Railways has been induced or influenced, directly or indirectly, by any pecuniary consideration in this matter? Can a man be both a briber and bribee? Can he bribe himself? Because that is the position the case would be in if it can be said that it is within the mischief contemplated to be guarded against or removed by the Independence of Parliament Act. When we come to consider the principles upon which a doubtful Statute, if it be doubtful, is to be construed—the hon. member for Bothwell whose authority, I will admit as a constitutional lawyer, for if not a lawyer long in standing, he is certainly one in spirit; I say so with all seriousness and earnestness, for the hon. gentleman has a legal mind and was quite competent to weigh and consider the legal bearings of cases of this kind even long before he had the honour of being a member of the Bar—the hon. member for Bothwell will admit it is one of the elementary canons of the construction of a Statute that when you consider the extent of its operation, you must consider the mischief to be remedied. When we ask: Is this case within the mischief contemplated? can it be said there is the slightest foundation that the case of the hon. Minister of Railways is within the mischief that act was intended to prohibit? Can it be said that he was affected by any inducement connected with the existence of the office of High Commissioner, in his course as an independent member of this House? That is what the Act was intended to provide for—the independence of members of Parliament. Has the independence of the hon. Minister of Railways been affected, directly or indirectly, remotely or approximately, by the acceptance, on his part, of the office of High Commissioner? Moreover, as far as I can gather, after hearing the terms of his commission read, it was not an acceptance of a permanent character, but simply an undertaking or offer on his part to discharge, for a temporary period, the duties of the office when it was desirable, for reasons connected with his health—reasons connected, too, with the existence of a vacancy in that position and the absolute necessity of having a gentleman entirely within the confidence of the Government in the position of High Commissioner, one with an experience and knowledge of what had been going on during the time when the late High Commissioner, Sir Alexander Galt, had filled the office. When there were special reasons for the appointment of one specially fitted for the discharge of the duties of that high and important office, the Minister of Railways, apparently from the terms of his commission, volunteered his services for a temporary period, and volunteered them without a salary. Now, my hon. friend