

Mr. EULER: I said that public opinion would prevent them from introducing a resolution which was not founded on proper reason.

Mr. MANION: And in the same way, public opinion would prevent another chamber of this parliament from refusing to dismiss a trustee who should be dismissed.

Mr. EULER: I was following the statement of the Prime Minister that they could put another government out of office.

Mr. MANION: I would not like to argue with the Prime Minister as to constitutional questions, but I must confess that I do not interpret the matter in the way he does. Suppose a government of the day wished to dismiss a trustee. The procedure would be something like this: the government of the day would introduce a resolution to the House of Commons in which cause would be given; that resolution would go to the Senate and if it passed the Senate, the man would be dismissed; if the Senate did not pass it, the man would not be dismissed.

Mr. STEWART (Edmonton): That is what we thought.

Mr. MANION: I have no desire to get into a constitutional argument with the right hon. leader of the government because he is much more capable than I in that regard; I am simply giving my interpretation of the clause. I have listened intently but I have not heard any real argument advanced as to the possibility of injustice being done by this clause either to the trustees or to the government of the day.

Mr. MARCIL: The only thing wrong with the minister's argument is the fact that these trustees will not be judges. Judges are appointed to interpret the laws passed by parliament. A judge may be impeached and brought to the bar of this house for trial. This is the high court of the nation and we merely delegate our powers to the judges of the land to interpret our laws. In this case we are appointing administrators who are going to administer these railways to the best of their knowledge and ability. We are not going to give them any directions as to how that is to be done; we are not going to pass a statute to say that this, that or the other thing shall be done. They are to be given *carte blanche* and will act entirely on their own volition. They are in an entirely different position from that occupied by the judges and there cannot be any comparison between the two.

[Mr. Manion.]

The assent of the Senate to the removal of an officer is quite competent when that officer is appointed by parliament. The general returning officer is appointed by joint address of both houses of parliament. The Auditor General of Canada is responsible to parliament. Parliament delegates powers to the cabinet council; the government of the day is merely a committee of parliament. Parliament has the power to remove these officials which I have mentioned but only by the assent of both houses. In the present case this argument would not apply because the trustees are not to be appointed by both houses, they are to be appointed by the governor in council.

Mr. BENNETT: Which comprises both houses.

Mr. MARCIL: The governor in council is responsible to this parliament. I have no desire to disparage the Senate, as I have heard splendid descriptions of its responsibilities and irresponsibilities. In this instance we are dealing with a money question which comes entirely within the jurisdiction of this house. The Senate has not a word to say. The Senate can reject a supply bill *holus bolus* but it cannot amend it. When I was a young man this whole issue was brought to the fore in the Quebec legislature. A conflict arose between the cabinet and the legislative council and pandemonium reigned in that province for some time. Responsible government ceased to exist because the lieutenant governor arrogated to himself powers similar to those which we now seek to confer upon the Senate. The result was that the government of that province was sustained for two years by the casting vote of the Speaker. A precedent was established by the removal of the lieutenant governor by the governor in council. He was declared to be merely a federal officer and not a representative of the crown. The then governor general referred the matter to the home authorities who declared that the lieutenant governor of a province was a nominee of the dominion cabinet which had the power to remove him for cause. At the present time we are merely using our prerogatives as members of this house dealing with a money matter. We are appointing trustees to administer public property, and with all due respect to the Prime Minister, I must say that I am amazed at his stating that a government would have to resign office and go to the people merely because an adverse vote had been cast by the Senate.