

rise and ask leave to sit again ; in order to go into Supply again at eight o'clock.

The **MINISTER OF FINANCE** (Mr. Fielding) moved that the committee rise, report progress, and ask leave to sit again.

Committee rose, and it being Six o'clock, the Speaker left the Chair.

### After Recess.

#### SUPPLY—THE CHANGE OF GOVERNMENT.

The **MINISTER OF FINANCE** (Mr. Fielding) moved that the House again resolve itself into Committee of Supply.

**Sir CHARLES TUPPER.** I rise, Sir, to endeavour to discharge the most painful duty that has ever fallen to my lot during a somewhat lengthened parliamentary career. I need not tell you, Sir, that in my judgment nothing is so vitally important to Canada as the maintenance of the great privileges which we enjoy under the British constitutional system that has been adopted for this country ; and when I speak of the British constitutional system, I speak of a system which, after a long struggle from time immemorial between the Crown and the people, was adopted in Great Britain, a system which has made that country, I think I may venture safely to say, the envy of nations and the admiration of the world. There is no question, Sir, that under that system of parliamentary government England has attained a position in which she must be admitted to be the grandest and mightiest Empire in the world. I need not remind this House that Robert Baldwin, Lafontaine and other great Reformers of old Canada struggled and fought persistently to obtain that same system of parliamentary government for Canada ; that in 1841 the great and long-continued efforts of the old Reform party were crowned with abundant success ; and that from that time down to the present, I may say, all the provinces of which British North America is composed have enjoyed to the fullest extent the system of parliamentary government that prevails in England. The advantage of that system of government is most striking in one great particular. Under a republican system of government, such as we see in the great republic to the south of us, the executive head of the nation is not looked up to by all classes and all parties as a great and impartial representative of the whole people, but he is the head of a great party from the hour of his election to that high and important position down to the end of the period for which he has been elected. The result is that very often quite one-half of the people of the United States of America are engaged from the hour of his election down to the close of the period for which he is elected in denouncing, de-

**Sir CHARLES TUPPER.**

criing, attacking and assailing the executive head. That, Sir, I regard as a great misfortune, and I think that the contrast to that system which England presents is one of the most striking and favourable contrasts it is possible to conceive. There you have the Queen of this great Empire holding her position as the executive head of the nation, and preserving throughout her reign the entire confidence, respect and support of all classes and all parties under her sway. However fiercely the contests may wage between the two great parties in the state, no person ever fails in according to Her Majesty the most profound respect, reverence and continued support. Under our system of parliamentary government, we enjoy—we ought to enjoy—the same advantage. Under that system we stand in precisely the same position as England. The representative of Her Majesty in Canada, as the executive head of the country, enjoys the confidence, the respect and the support of all parties in the state ; and however keen the struggles may be between different parties, all alike are ready to give to the representative of Her Majesty that same respect, confidence and support that Her Majesty herself receives throughout this great Empire, and from all classes and parties in Great Britain.

Now, Sir, I must take for granted that the gentlemen who form the present Government of Canada are necessarily responsible for every act that the Governor General of Canada has committed ; and that relieves me at once from the disagreeable necessity of uttering a single word in disparagement of His Excellency ; because, under the form of government we possess, my hon. friend the First Minister and his colleagues, on assuming office, were necessarily and naturally obliged to assume all responsibility for every act of His Excellency from the time of what I may call the crisis which ensued on the general election. The position that Canada occupies in this respect was very distinctly stated by the Right Hon. Sir John Macdonald in the confederation debates. On February 6th, 1865, Attorney General Macdonald said :

In the constitution we propose to continue the system of responsible government, which has existed in this province since 1841, and which has long obtained in the mother country. This is a feature of our constitution as we have it now, and as we shall have it in the federation, in which, I think, we avoid one of the great defects in the constitution of the United States. There the President, during his term of office, is in a great measure a despot, a one-man power, with the command of the naval and military forces—with an immense amount of patronage as head of executive, and with the veto power as a branch of the legislature, perfectly uncontrolled by responsible advisers, his cabinet being departmental officers merely, whom he is not obliged by the constitution to consult with, unless he chooses to do so. With us the Sovereign, or in this country the representative of the Sovereign, can act only

on the advice of his Ministers, those Ministers being responsible to the people through Parliament.

Todd, in his "Parliamentary Government in the British Colonies," at page 817, lays down the same principle in the following words :

Upon a change of Ministry it is essential that the gentlemen who may be invited by the Governor to form a new Administration shall be unreservedly informed by him of the circumstances which led to the resignation or dismissal of their predecessors in office ; and that they shall be willing to accept entire responsibility to the local Parliament for any acts of the Governor which have been instrumental in occasioning the resignation or effecting the dismissal of the outgoing Ministry. For it is an undoubted principle of English law, that no prerogative of the Crown can be constitutionally exercised unless some Minister of State is ready to assume responsibility for the same. Hence the authority remains inviolate, however the propriety of its exercise may be questioned, or its use condemned. The authority of the Crown, in the hands of the Queen's representative, must invariably be respected ; and no one subordinate to the Governor should attribute to him personally any act of misgovernment, his Minister being always answerable for his acts to the local Parliament and to the constituent body.

This was further emphasized in a discussion which took place in this House on the 1st of March, 1877, when Sir John Macdonald said :

I concur with the hon. gentleman that he cannot be responsible for the speech of another individual when he does not know of it. He is, however, responsible for every utterance of the Governor General, except when that illustrious individual expressly states that what he states he says as an Imperial officer by Imperial command. It is important that the principle should be laid down if we are to be a free country. If responsible government is to be maintained, this principle should be strictly upheld, and I am surprised to hear an hon. gentleman, occupying the position of Premier of this Dominion, who boasts that not only is the country under responsible government, but that its constitution is moulded after the same plan and on the same line as the British constitution, should aver that he is not responsible for the language of the illustrious individual who so worthily represents the Crown in this country.

I may say that that remark had reference to a statement of Mr. Mackenzie, in the discussion which arose as to the speech made by His Excellency the Governor General in British Columbia. I drew attention to the fact that an obvious error had occurred in the report of that speech, and Mr. Mackenzie said that, of course as it was obvious, he was not responsible for any error of that kind.

The MINISTER OF TRADE AND COMMERCE (Sir Richard Cartwright). Will the hon. gentleman state the date and place from which he takes this quotation ?

Sir CHARLES TUPPER. It is a quotation from "Hansard" of 10th March, 1877,

page 373. I do not quote the whole of the discussion, but in the debate. I drew the attention of the House to an obvious error that had occurred in the report of His Excellency's Speech, in connection with the point in regard to the creation of a number of senators. He continued :

I remember when the doctrine was propounded long ago by the old Tories of Upper Canada, it was denounced by the whole of the Liberal party of Lower Canada, and it was after a long and severe battle fought by the Baldwin Reformers of those days that constitutional and responsible government was obtained. There have been a great many fights between the old Tory party before it took the name of Conservative, and the Reform party comprising the Liberals of Upper Canada, as to which deserved most merit for very many great reforms and changes ; but there is one question in which the old Tory party has no right to claim any share, viz., the victory won by the Baldwin Reformers over the Crown Colony system. That victory was consummated under Lord Sydenham, in September, 1841, when it was decided that thereafter the Government of Canada was to be a responsible government, and that everything connected with the public welfare, whether legislative or administrative, should be done only on the advice of responsible ministers and advisers. This is the first occasion since 1841 that I have heard this doctrine denied and repudiated by the leader of what was the great Reform party. The representative of the Crown can have no more rights in Canada than the Crown itself, and the Crown could not make any utterances on public affairs for which some minister would not be responsible. Some minister must be responsible for every announcement, every statement, every opinion expressed by the Sovereign, and, if that principle is once abandoned, then we shall return to the old system so much decried and for which the old official party, both in Upper and Lower Canada, were attacked, and properly attacked.

Mr. Mackenzie, after explaining his inability to be responsible for an inaccuracy in reporting the speech of His Excellency the Governor General, assumed responsibility for every word he uttered. He said :

The ministers are responsible for everything that affects the conduct of public affairs just as the hon. member for Kingston was responsible for every despatch he brought down by order of His Excellency. It was the duty of the hon. gentleman to bring the despatches down, and, if he thought they should not be brought down to Parliament, he should have resigned rather than have done so.

I think that puts in a clear and emphatic light the fact that we have a system of parliamentary government, carried out in precisely the same manner and to the same extent as it is in England. Todd again says, in his Government of the Colonies, page 324 :

In the absence of definite instructions, or positive law, it is the duty of a constitutional Governor to be guided upon all questions that may arise, or matters that may be submitted to him in his official capacity, by the usage of the Crown in the mother country ; which he should endeavour to ascertain and to imitate, so far as

may be consistent with his position and responsibility as a colonial Governor.

I trouble the House with these extracts because it is important that we should start with correct premises. It is important, in discussing the correspondence which took place between His Excellency the Governor General and myself, that I should be free to make animadversions on what I regard as a departure from the principles of parliamentary government which we enjoy in this country, without being open to the charge of, in the least degree, personally assailing the representative of the Sovereign; and when I make any remarks that may reflect upon the course pursued by His Excellency, I beg the House to understand that I am presenting that as a matter, not in question between His Excellency and myself at present, but between hon. gentlemen opposite, who have accepted full responsibility of all the statements of His Excellency, and who are here to answer any criticism that may be offered with regard to them.

It is known to the House that, shortly after the opening of the last session of Parliament, my hon. friend, Sir Mackenzie Bowell, then Prime Minister of Canada, did me the honour of inviting me to accept the position of Secretary of State and leader of the House of Commons, under his Government. I endeavoured to discharge that duty to the best of my ability; and although I am conscious of a great many shortcomings, as might naturally be expected under such circumstances, I accepted, as you are aware, Sir, that arduous responsibility, in the face of the fact that the great party to which I had the honour to belong, and which that Government represented, were divided in this House upon a very serious and important question, on which they held very strongly antagonistic views. But notwithstanding a large portion of very able and distinguished members of the House of Commons did not agree with the Government on that question, the fact remains that I had the honour of receiving the support of a majority on every occasion. With the single exception to which I have reference, hon. gentlemen opposite know that, during that session, I was at the head of a very large majority of this House.

The House was dissolved; my hon. colleague, Sir Mackenzie Bowell, accepted a very important mission to England and tendered his resignation, as leader of the Government, and His Excellency did me the great honour of calling upon me to form an Administration, which duty I undertook. An Administration was formed, and a general election was held as promptly as it was possible, under the circumstances. The House is also aware that before Parliament prorogued, in answer to a question of my hon. friend who now occupies the position of Minister of Trade and Commerce (Sir Richard Cartwright), I stated the date on which Parliament would be called together.

**Sir CHARLES TUPPER.**

I gave the date very closely, if not the exact period. The House is also aware that the Government fixed, not only as early a day as they could for the purpose of holding an appeal to the country, but as early a day as possible for this legislature to assemble. Well, the fates of war were against us. After a sharp and short struggle, the result was that the Government were not in a position to claim a majority of supporters in this Parliament. So soon as it was convenient for His Excellency to return from the city of Quebec, where he had some engagements that made it very difficult for him to come for a considerable time, I did myself the honour of waiting on him and conferring with him on the position. What took place on that occasion will be brought to the attention of the House by a memorandum which is on the Table and which I submitted in response to a memorandum received from His Excellency. In this memorandum I said:

So soon as Your Excellency had returned to the capital, the 2nd inst., I had the honour of waiting upon you and discussing the present condition of affairs, caused by the general election which took place on the 23rd June. At that time I submitted a memo. of the precedents indicating the practice followed in England and Canada on the defeat of a government.

I may say, Sir, that the memorandum of His Excellency and my reply thereto being in the hands of hon. members, I shall not feel it necessary to go into this question as I should otherwise be obliged to do. But, Sir, I submit, and I am sure the recollection of every hon. gentleman in the House will sustain me, that perhaps there never has been an occasion in Canada when it was found so difficult for a number of days, for a considerable period, to arrive at anything like accurate conclusions as to who had been and who had not been elected. Many of these constituencies were not easily accessible and, from a variety of causes, as every hon. gentleman knows, in a number of cases the papers printed one day the election of certain gentlemen only to contradict their own statement next day and say that others had been elected. So, while there was not a very large margin, the state of affairs made a very material element of uncertainty as to what had actually taken place. Then, as I have stated before, the question of recounts was one that might, under existing circumstances, affect the relative position of the parties; and His Excellency at once, as I have stated, assented to the reasonableness of awaiting the recounts, and the course of the Ministry to be taken up in the light of the facts as far as it was possible to obtain them. I need not repeat, I have already expressed, the pain and surprise with which I received on the 6th of July a communication from the Governor General dated the 4th, but not placed in my hand until the 6th, involving a grave and most important departure from all parliamentary usage known

in England and in Canada. And it is necessary to bear in mind the fact, though bearing date of the 4th, this communication did not reach my hands until the 6th, it has a material bearing upon a number of papers brought down in which the dates appear to be a little conflicting. I may say frankly to the House that the Government in the discharge of what they conceived to be their duty to the country and to the constitutional practice that had prevailed here and in England down to this period, felt it necessary to close all business and make a number of recommendations to His Excellency. But from the moment that paper was placed in my hand, no recommendation whatever was made by the Government of which I had the honour to be the head, because I felt that it was impossible that any gentlemen could read the memorandum His Excellency placed in my hands without arriving at the conclusion that the Government did not possess the confidence of His Excellency; and under these circumstances I felt it would be as derogatory to my colleagues and myself as it would be injurious to the public service to attempt to make any recommendation or ask any consideration of any appointment whatever. I mention this more particularly because the dates are confusing and would lead to a contrary conclusion unless this fact were stated. Now, as I have said, the British parliamentary system has been placed beyond all dispute. And I will draw the attention of the House for a few minutes to the statement with which His Excellency commenced his communication. After referring to the arrangement of the 7th July, he says :

After taking every means in my power to inform myself, it is impossible for me to ignore the probability that, in the event of your decision to meet Parliament the present Administration will fail to secure the confidence of the House of Commons.

I contend that the position taken there is utterly unknown to the British constitution, to the English parliamentary system, and to the system that prevails in Canada. I say there are no means by which His Excellency without violating the constitution of the country, could take to inform himself with reference to the position in which his Government stood. I take the ground, Sir, that under that glorious constitution, that under that system of parliamentary government for which Baldwin and the reformers who stood with him fought so successfully and established as the birthright and inheritance of the people of this country, the Governor General like Her Majesty had no means of informing himself except by his constitutional advisers and the voice of Parliament. "Todd, in his Government in the British Colonies," says in clear and emphatic terms :

In the absence of definite instructions, or positive law, it is the duty of a constitutional Governor to be guided upon all questions that may

arise, or matters that may be submitted to him in his official capacity, by the usage of the Crown in the mother country, which he should endeavour to ascertain and to imitate, so far as may be consistent with his position and responsibility as a colonial Governor.

Lord Dufferin, one of the most eminent, most able, and most constitutional Governors General that Canada has had, stated that principle in clear and emphatic words in his address at Halifax on the 8th August, 1873, when he said :

My only guiding star in the conduct and maintenance of my official relations with your public is the Parliament of Canada.

On a very important occasion, as hon. gentlemen opposite know, when a very large minority of the House of Commons memorialized His Excellency and endeavoured to give him advice at a crisis which occurred, His Excellency refused to accept that advice, and acted upon the advice of his constitutional advisers. So high an authority as Mr. Asquith, one of the members of Mr. Gladstone's last Government, and of Lord Rosebery's Government, said, in emphatic terms, as found in the English "Hansard," vol. 7, 1892, 97 :

Parliament renders effective the considered judgment of the country.

And Todd, in his "Parliamentary Government in England," page 1852, says :

Parliament is the voice of the people. The House of Commons is the legitimate organ of the people.

Lord John Russell, in his "Life of Fox," says, as found in Todd's "Parliamentary Government in England," vol. II., page 512 :

The verdict of the country having been pronounced against ministers at a general election, it is nevertheless competent for them to remain in office until a new Parliament has met and given a definitive decision upon the merits, for the House of Commons is the legitimate organ of the people whose opinions cannot be constitutionally ascertained except through their representative in Parliament. It is necessary, however, according to precedents, that under such circumstances the new Parliament should be called together without delay.

I have already reminded the House that that question did not arise, because the day of the assembling of the new Parliament was then fixed, and, under that arrangement, the House was to meet in a few days, so as to place that beyond doubt. Now, in 1852, Lord Derby was called upon to accept office when he was in a minority in the House of Commons. The new Ministers were defeated by 234 to 146, and the House dissolved on 1st July, 1852. They were defeated at the elections, but summoned Parliament in November, and did not resign. They were defeated by 305 to 286 on the Budget. Again, in 1859, Lord Derby dissolved Parliament on 19th April. The Ministers met Parliament on the 31st May, and did not resign until defeated by a majority

of 13. In 1892, Lord Salisbury dissolved the House, but the Opposition had previously voted the Estimates for the year to expedite public business—an example which certainly was not followed by hon. gentlemen opposite on a comparatively recent occasion. He was defeated by a majority of 40, but did not resign until he was defeated by a direct vote of want of confidence, 350 to 316. Now, Sir, Mr. Gladstone, who will be accepted by hon. gentlemen opposite, and by parliamentarians all over the world, as a very high authority, gave his opinions with reference to the duty of meeting Parliament after a defeat. Mr. Gladstone, in the English "Hansard," vol. 218, pages 128 and 129, in 1874, says:

It should be known and remembered that in former times it has been the practice of a government that has not succeeded in obtaining a majority at a general election to refer the decision to the arbitrament of Parliament. And I will not disguise from myself that although no practical dangers could happen in the instances which have lately occurred, yet it is conceivable that a government that had been guilty of serious malversation might seek, by the immediate surrender of office, to avoid the judgment or to weaken the force of the judgment which it might have to anticipate from an adverse House of Commons.

After what had happened these were the considerations which led us to the course we adopted, although it is a course which was justified by the circumstances, it is one which ought not to be adopted in the absence of strong justifying circumstances.

Mr. Gladstone, in point of fact, apologized for having established the precedent of resigning without meeting Parliament, when beaten at the polls. Mr. Balfour says, as to the right of the Government, after defeat, to meet Parliament, "Hansard," vol. VIII., 1892, page 220:

In meeting Parliament we are strictly following the best precedent.

The Government of which he was a member, had been defeated, yet they did not resign, but met Parliament and accepted judgment at the hands of Parliament.

We are following strictly the precedents of 1841, for example, and of 1859. We are not following the precedents of 1868-1874, 1880 or 1886. I quite admit that. I have two replies to that objection of the right hon. gentleman. My first reply is that the older precedents are precedents of far longer standing—that the older precedents have behind them a far longer concatenation of authorities to support them, and that the precedent of 1868 is an absolutely novel precedent. I have to remind him, in the second place, that the circumstances of the present time in no way resemble those which prevailed in the years 1868, 1874, or 1880. On these occasions the Opposition was returned by a majority absolutely overwhelming in its character and absolutely homogeneous in its character. The leader of the Opposition in those years came back to this House at the head of a majority on which he could absolutely rely to outvote not merely what is called

Sir CHARLES TUPPER.

the regular Opposition, but the regular Opposition in combination, or not in combination with any other section of the House.

I call the attention of the hon. gentleman at the head of the Government to the fact that on that occasion the majority was overwhelming in its character, and absolutely homogeneous. I have said enough to show the eminent English authorities, about which there must be no difference of opinion, in regard to the right of a defeated Government to receive a verdict of the people from the people's representatives on the floor of Parliament; and I will now come down to show that that was affirmed in the most clear and emphatic manner by the Canadian precedent established by the eminent leader of the Liberal Government, whose party was defeated in 1878. On 9th October, 1878, Mr. Mackenzie writes to Lord Dufferin as follows—"Life of Mackenzie," page 529:—

The protectionist principle undoubtedly obtained a victory at the polls. The knowledge of the wonderful success of Great Britain in developing her trade and commerce under the opposite system, and the sad results of the attempt by the United States to carry out a protectionist's policy, as exhibited in the ruinous state of their shipping and manufactures, and the growth of a communistic feeling, were alike disregarded. We felt, however, that it would be unpleasant to remain in office after ascertaining that there was no probability of the policy of the Government being sustained by the new House.

Mark this, Mr. Speaker, just as Mr. Gladstone apologized for having departed from the sound principle of a government receiving the verdict of the people on the floor of Parliament, so Mr. Mackenzie, although beaten by an overwhelming majority, and that of a homogeneous character, apologizes for having surrendered his trust without meeting Parliament. He goes on to say:

The other course would doubtless be the one in accordance with the English practice, but there are two precedents of a recent date in favour of a resignation before the meeting of Parliament, these precedents being made by the leaders of both political parties in England. Feeling that we are justified in pursuing that course, I have resolved, with the concurrence of my colleagues, to close up all business in the departments at the earliest possible moment.

"Close up," mark you, Mr. Speaker, not to abandon the departments by leaving them as they were, but to close up all the business, just as the late Government endeavoured to the best of their ability to close up the business that remained in their departments before resigning their trust.

With the view of enabling our successors to meet Parliament at an early day, with measures for carrying into effect the policy to which they committed themselves at the election.

Now, Sir, I think with the English precedents I have submitted, the overwhelming authorities I have submitted, backed and

sustained by so high an authority as the great leader of the then Liberal party in this country, I have established beyond question the right that myself and my colleagues were in a position and fairly entitled to meet Parliament at the early day at which it was called, if we so desired and wished. I do not mean to say that any intimation of that kind was given to His Excellency, I do not mean to say that that course would have been followed, but it would have been open to us to consider whether we might not promote the public business of the country in the condition it then was by meeting Parliament on the day for which it was summoned, and placing hon. gentlemen opposite, who would have had control of the House, in a position to elect a Speaker and to take a vote of credit from Parliament, previous even to the formation, if they desired it, of their Government and to have taken a vote of credit for the purpose of avoiding all the difficulties into which they were plunged by adopting a different course. I can only say that had that course been pursued, those hon. gentlemen would have found that we would not have adopted the very unpatriotic, unparliamentary and almost unconstitutional course of obstruction of which they set an example during the previous session. They would have found that with a desire to promote public business and to give effect at the earliest possible moment to the clearly understood wishes of the people as expressed on the floor of Parliament, that course might have been more eminently satisfactory than the one which was taken.

But I will now, Sir, give another authority almost as high in the estimation of hon. gentlemen opposite, and of the great Liberal party throughout this country as even the English authorities or the authority of Mr. Mackenzie himself, and that is the "Globe" newspaper. The "Globe," in 1878, said :

It has, we are aware, been held by high authority that the vote of Parliament alone should determine the action of the administration officially. It is true, Mr. Mackenzie knows nothing of the strength of the respective parties until that be tested by a division of the House of Commons.

If Mr. Mackenzie knew nothing of the strength of parties when there was a majority of between 80 and 90 in the House of Commons elected opposed to him, I should like to know what His Excellency knew of the strength of parties and the state of parties in the House of Commons after the recent elections, and how he could ascertain the facts. I have already shown from the very highest authorities that His Excellency had no eyes to see, no ears to hear, except what was communicated to him by his responsible advisers or by the voice of Parliament itself. The "Globe" further says :

He has the legal right to hold office until the usual time of the meeting of Parliament, to do

all the acts that a ministry in possession of a majority could do.

Mark that, Mr. Speaker. Here is that great authority to which every Liberal in this country looks as a supreme authority in the press, declaring emphatically in the face of a majority of between 80 or 90 elected by the people of Canada in opposition to the Mackenzie Government, that the Government had a legal right to hold office until the usual time for the legislature to assemble, and to do all acts which a Ministry in possession of authority could do, and to disregard absolutely the popular manifestation at the late elections. I give that as an authority which hon. gentlemen opposite generally treat with great respect. The "Globe" still further says :

We feel perfectly sure, too, that in the matter of appointments the Premier will have the fullest regard to the principle which should guide a retiring Cabinet. Any vacancies may properly be filled up, and all such appointments may be fittingly made as are necessary for the uninterrupted progress of the business of Government.

Under these circumstances I placed, for the reasons I have stated, in the hands of His Excellency a list of the precedents, English and Canadian, that bear on the question ; and at the same time and for the reasons I have stated, I intimated that a number of minutes sent to His Excellency had not been returned signed by His Excellency ; and I placed in his hands a statement of the appointments, some 92 in all, if my memory serves me, made by Mr. Mackenzie after this unmistakable verdict of the people so far as could be gathered from the popular voice or from the press, for consideration, and I left the matter open until His Excellency had an opportunity of seeing the papers when we could take up and discuss the position of the Administration in respect to those questions.

I need not detain the House long, I think, on that point, but I draw attention to the next statement in the memorandum from His Excellency the Governor General. He said :

In the first place, the business to be transacted by Parliament, though foreseen—

I call the attention of hon. gentlemen to this :

—And not in character exceptional, is urgent.

What do hon. gentlemen opposite think of going down to His Excellency the Governor General, who had put on record his declaration that the business of granting the supplies was foreseen and was not in character exceptional, and calling on His Excellency to sign a Governor General's warrant on the ground that it was unforeseen and exceptional ? I do not intend, although His Excellency was called upon, in the teeth of the statute, as admitted by hon. members on both sides of the House, to go in direct opposition to his own declaration, that it was

foreseen,—although that Act was one of a very strong character. I do not for a moment question the propriety of His Excellency appending his name to those Governor General's warrants. But the responsibility rests on hon. gentlemen opposite to justify the declaration of His Excellency that this absence of supplies was foreseen and was not exceptional, when at the same time they placed before His Excellency a report from the Minister of Justice, which although very halting and very lame, still was found sufficient to satisfy his colleagues that they were warranted in asking the Governor General, in violation of all he had intimated, to take an entirely different course. But His Excellency said :

The supplies for the public service are already entirely exhausted. This contingency was in view when the date of Parliament was fixed.

So it was. His Excellency knew that his Government had fixed the date of the meeting of Parliament at the very earliest day that Parliament could meet, because there was an absence of Supply. He says :

It is in the public interest that Parliament should meet at as early a day as possible, and be able to proceed to business forthwith.

I say that having left with His Excellency these precedents as to the practice in England and Canada ; having left for His Excellency's consideration the course adopted by so eminent and distinguished an authority as one of the most able and distinguished Governors Canada has ever had, Lord Dufferin, who was present on the occasion of two crises—the resignation of Sir John A. Macdonald's Government in 1873, and subsequently the defeat of the Hon. Mr. Mackenzie's Government in 1878—having drawn the attention of His Excellency to the course pursued and with the understanding that after he had time to peruse the papers, I would have an early opportunity of discussing these questions with His Excellency again ; what am I to think when hon. gentlemen opposite are prepared to defend the placing in my hands of the declaration to which His Excellency the Governor General has committed himself in this memorandum.

Now, Sir, I will not comment further on that, but shall next draw attention to the following statement which is to be found in His Excellency's memorandum :

The previous Administration (with Sir Mackenzie Bowell as Prime Minister), representing the views of the same political party and having a majority in both chambers, failed to pass its proposed legislation, and on the 25th of April Parliament expired by efflux of time without having granted supplies for the public service beyond the 30th June.

Now, Sir, there is no man unacquainted with the circumstances who could fail to be misled by that statement. The bald statement that Sir Mackenzie Bowell's Government was unable to obtain supplies from this Par-

**Sir CHARLES TUPPER.**

liament, made over the signature of His Excellency the Governor General, is, I say, unaccompanied by the knowledge of the facts, calculated to mislead entirely any person who reads it. Why, there is no question as to what it means. When a Government cannot obtain supplies from Parliament, the presumption is that they are powerless to do so because they have no majority. There is nothing that would indicate the impotency of a Government so completely as their not being able to obtain supplies, and yet His Excellency knew, what every gentleman opposite knows, that the Government of Sir Mackenzie Bowell had a large majority in this Parliament ready to vote supplies, and they know, too, that the Opposition were found, for the first time in Canada, unpatriotic enough to abuse the position which they found Parliament in.

Some hon. MEMBERS. Hear, hear.

Some hon. MEMBERS. Oh.

Sir CHARLES TUPPER. Yes, Sir, I say, for the first time in the history of Canada, and I believe I may go further and say, for the first time in the history of any country in which parliamentary government exists, the Opposition, taking advantage of the unusual circumstance of the life of Parliament terminating on a certain day, adopted the unpatriotic course of sacrificing the best interests of the country and involving themselves in the most dire straits and difficulties, from which they were only extricated by following up a series of thoroughly unconstitutional and unparliamentary acts.

Some hon. MEMBERS. Hear, hear.

Sir CHARLES TUPPER. That Opposition prevented those supplies being voted, when the Government of the day had a large, aye an overwhelming majority at their backs, ready to give supplies. But for that extraordinary circumstance of the life of Parliament terminating on a certain day, and placing the control of this Parliament in the hands of a few individuals who were ready to prevent supplies being voted ; supplies would have been voted at the last session. I therefore challenge that statement as one that ought not to go forth to the world unexplained, and unaccompanied by a statement of the facts which would relieve the statement itself of that weight which otherwise would attach to it, if it were true that Sir Mackenzie Bowell's Government were in such a position that they were not able to get supplies voted by Parliament, or were overruled by a majority, which would be the only inference to draw from it. Well, Sir, the Governor General further says :

Subsequently when no Parliament was or could be, under the circumstances, in existence, the present Administration was formed. So far, therefore, as these are dependent upon the subsequent approval of Parliament, the acts of the

present Administration are in an unusual degree provisional.

I deny that, Sir; I say that there is no warrant for the statement that there was anything of a provisional character in the formation of the Government to which His Excellency alludes. Drawing his information from the only legitimate source from which he could draw it, namely, the voice of Parliament; and having witnessed the position which I held in this House during the last session, His Excellency did me the honour to ask and to invite me to form an Administration. Why, Sir, did he do that? It was because he had the best evidence that it was possible for a Governor General to have that I did enjoy the confidence of a large majority of Parliament, and, so far as His Excellency had any means of knowing, a large majority of the great party which I was invited to lead. I say, therefore, Sir, that there is no foundation for that. But let me call attention to what occurred. I referred to the case of Lord Derby in 1852. Lord Derby was called upon to accept office when he was in a minority in the House. He was in the face of an open and avowed majority against him on the floor of the House. He was beaten by that majority against him in the House. He dissolved the House in April, and he did not call that Parliament together until November 4th. He was beaten at the elections, and yet he called Parliament together on November 4th, and was defeated on the Budget by a vote of 305 to 286. Lord Derby did not resign, but continued from the time he formed that Government, representing a minority in the House of Commons, never having had a majority, being beaten at the polls; he came back and discharged all the duties of Prime Minister of England and the control of this great Empire from the time of the dissolution when his Government was beaten down to November, when he resigned. For four months he performed all the duties in the fullest and most complete manner that any Prime Minister could perform them. Todd says, in the extracts which I have already read, that it is the duty of the Governor General to imitate as closely as he can the parliamentary system in England. And yet, with all this long line and array of parliamentary authorities which I placed in His Excellency's hands, he turned a deaf ear to it all. He addresses this memorandum, pointing out the reasons why he should withdraw his confidence from me and prevent me enjoying, and the Government of which I was at the head enjoying, that confidence which every authority, English and Canadian alike, said I should enjoy—and no man said it more strongly than the Hon. Alexander Mackenzie—sweeping away the illustrious precedents established by so distinguished a man as Lord Dufferin; and looking at this with eyes that I have no hesitation in saying the strongest parti-

san on the ministerial benches here could not surpass.

Some hon. MEMBERS. Order.

Mr. SPEAKER. I am exceedingly reluctant to interfere in any way whatever in this debate, especially when the leader of the Government has frankly avowed entire responsibility for the acts of His Excellency the Governor General; but I am inclined to think that the last observation of the hon. gentleman, practically accusing His Excellency of partisanship, transgresses the rule of this House which prevents any hon. member from speaking disrespectfully of His Excellency the Governor General. I am sure the hon. member does not desire to do so, and he will see that, if he has not infringed, he has very nearly infringed, this rule of this House.

Sir CHARLES TUPPER. Mr. Speaker, I bow with all deference to your decision, and will endeavour to be as careful as possible to avoid anything that can infringe the well-known rule of this House that we must not speak disrespectfully of the Governor General; but I am speaking of his representatives who are here.

Some hon. MEMBERS. No, no.

Sir CHARLES TUPPER. I have already given you, Sir, the authority; and the Prime Minister has frankly and openly, as he was bound to do, assumed the entire responsibility for every line, every word and every sentiment contained in this document.

The PRIME MINISTER. Speak of the First Minister, then.

Sir CHARLES TUPPER. Well, I am afraid the hon. First Minister's shoulders are hardly broad enough to bear the weight of all this. When I refer to that, I do not charge His Excellency with being a partisan; but I say that, if he had been a partisan, if this communication had been directed to the First Minister by the strongest partisan on that side of the House, he could not have expressed it in a stronger or more unjustifiable manner. Now, Sir, I say that, under the circumstances in which His Excellency did me the honour to call upon me to become his adviser, and with a knowledge of the position I occupied in this House and in the party, if His Excellency was not prepared to give me the fullest and most unqualified confidence until I ceased to be His Minister, he had no right to call upon me. Having been called upon, I maintain that I was entitled to the enjoyment of that confidence, and that a more fatal precedent cannot be established in this country than that the executive head of the country can go behind his Ministers and seek outside opinion. From the moment the administration of public affairs by outside opinion exists, a fatal precedent, in my judgment, is established, and one that, if followed up, will deprive Canada of those



glorious British institutions which it is our pride and happiness to possess. I, therefore, show that all English and all Canadian parliamentary precedent is diametrically opposed to the course His Excellency pursued. Sir, we have had a long and illustrious line of Governors General in Canada, considering the period during which we have been a confederation. We obtained, as I say, in all its fulness—as stated by the framers of the constitution and by the Imperial Acts which gave to Canada the charter we possess—we obtained, in all its fullness, British parliamentary practice; and the authorities lay it down in clear and emphatic terms, that the Governor General of Canada is bound, in administering the affairs of this country, to follow parliamentary practice. Now, Sir, what do you find in England? You find it stated in Todd's "Parliamentary Government in England," page 513:

For, notwithstanding their resignations, the outgoing Ministers are bound to conduct the ordinary business of Parliament and of the country so long as they retain the seals of office. They continue, moreover, in full possession of their official authority and functions and must meet and incur the full responsibility of all public transactions until their successors have kissed hands upon their acceptance of office.

Do hon. gentlemen opposite, the successors, at a very remote distance, of that great line of Reformers headed by Baldwin and Lafontaine—do these hon. gentlemen intend to rewrite the history of parliamentary government in England? Do they intend to give a new and different version of it? Do they undertake to say that the Governor General is not bound to follow that great illustrious precedent which is our birthright—the system of parliamentary government in England? Is it possible for hon. gentlemen opposite to agree that all these precedents, both in England and in our own country, shall be swept aside, and a new and different doctrine founded for the administration of public affairs in Canada? I cannot believe, Sir, that gentlemen still claiming to be Reformers, however little claim they may have to the title, can ever consent to adopt a course which is, not only fatal to all reform, but which is the first step to a return to a system of personal government, as opposed to that parliamentary government which has made England what she is, and which has hitherto been the birthright, the highly-prized birthright of Canada. Todd again says:

It was always the practice to fill up vacancies. Peerages promised by a Minister's predecessors in office had been granted, though no instrument had been signed or sealed on the subject.

So highly, so completely, and so perfectly, has this system of parliamentary government received the sanction of all these distinguished precedents for so long a period,

Sir CHARLES TUPPER.

and so clear and so emphatic are these precedents, that they even go the length of establishing that, where a Minister, on retiring from office, has not had time to confer peerages—the highest, the greatest, the most important office in its effects on the individual and on the country—his successors, in that spirit of honour, regard and respect for those great constitutional principles, have been bound to implement and carry out the unfulfilled determination of their predecessors. Well, Sir, these hon. gentlemen will have to look long and far before they will find any ground or any intimation that any Minister, however he had been placed in the position of First Minister, whatever defeats he had encountered, whatever the results of his appeals to the country were—they will search far and long before they will find the slightest precedent, either in that great country which is declared to be our great exemplar, or in Canada itself, for the course that is pursued. Todd further says:

In 1858, Lord Palmerston, after his tender of resignation and before his successor was appointed, allotted three of the highest honours of the Crown—three Garters—which were then unappropriated, to three eminent noblemen, his friends and supporters. And in 1866, upon the dissolution of the second Russell Ministry, an office was filled up by that Government which did not become vacant until two days after their resignation had been tendered to Her Majesty.

Mark this, Mr. Speaker.

The interference of Parliament with the exercise of the prerogative under such circumstances has never taken place, and would only be justifiable under circumstances of a flagrant character.

Now, Sir, I ask hon. gentlemen if the Queen's representative in this country, bound, as the highest authorities tell us he is bound, to imitate the parliamentary practice of England and the course pursued under similar circumstances in that great country. If, I say, Sir, he has evidences so unqualified, so numerous, running over a long series of years, all tending to the same point, and confirmed by the principle adopted by the Governors General of Canada itself, I think these gentlemen will have great difficulty, though they may be able to convince this House of its duty to sustain them, in convincing the intelligent people of this country that they have been faithful to their principles, as guarding these inalienable rights of the people of Canada which were fought for and won by their predecessors in the ranks of reform. Sir Robert Peel took office when in a minority in November, 1834. Parliament was dissolved. His government was defeated at the general elections, and parliament met February 19th, 1835, and his administration governed Great Britain from November, 1834, until after February 19th, 1835, when his government was beaten on the election of Speaker. Here was another case in which a First Min-

ister, who never had a majority at his back, who took office when in a minority, who went to the people and was beaten, discharged all the functions and the duties of administering public affairs, as, according to all these authorities, the right if not the duty of a defeated ministry. Take Lord Melbourne's case. Parliament dissolved June 21st, 1841. Elections were over July 1st. The administration were beaten. Parliament met August 19th, and on August 30th, on a motion of want of confidence, government was beaten by a majority of 91.

The following are some of the appointments made by this Government, after defeat at the general elections and after an adverse vote in the House. Mark you, Mr. Speaker, the general elections had taken place, the Administration were beaten, and Parliament was called on the 19th of August, the elections having taken place on July 1st, resulting in a majority of 91 against the Government, yet during the period that the defeated Government held office after the elections, these are some of the appointments that were made. And some of these appointments were made after the defeat at the general elections in 1841, and others were made after an adverse vote in the House. So that you have, in this instance, a Prime Minister going to the country, being badly beaten, having a large majority against him, calling Parliament together, and yet, during that period he continued to exercise—not only up to the time of meeting the House, but after the House had defeated him by a vote of 91—all the duties of a Prime Minister as completely as any Minister could who had a majority at his back. I will give you a few of the appointments made by that government, some of which were made shortly after the general elections, and some after an adverse vote in the House :

Treasurer of H. M. Household, June 23rd.  
 Comptroller of H. M. Household, June 23rd.  
 Judge of the Supreme Court of Gibraltar.  
 Commissioner for the superintending the sale and settlement of waste Crown lands in the British Colonies, &c., July 19th.  
 Colonization Commissioners, July 19th.  
 Registrar of Deeds, July 20th.  
 Governor and Commander in Chief of certain islands, August 3rd.  
 Member of H. M. Privy Council, August 11th.  
 Peers, August 11th.  
 Chaplain to H. M., August 16th.  
 Secretary to a Legation.  
 Chief Superintendent of British trade in China.  
 British Consuls.  
 Consuls General, August 11th.  
 Baronets, August 24th.  
 Physician to Embassy, August 21st.  
 Governor and Commander in Chief over certain islands, August 24th.  
 Governor of St. Helena, August 24th.  
 Clerk of Exchequer Court in Barbadoes, August 24th.  
 Queen's Advocate in Sierra Leone, August 24th.  
 Knights Grand Cross of the Bath, August 27th.  
 Companion of the Bath, August 27th.

Queen's Advocate at Settlement on the Gambia, August 27th.

Clerk of the Legislative Council of the province of Canada, August 2th.

Deputy Inspector General of Public Accounts in the province of Canada, August 27th.

President of the Committee of the Executive Council in Canada, August 27th.

Surveyor General in Canada, August 27th.

Registrar of the province of Canada, August 27th.

Consuls, Knights, August 27th.

Lord Lieutenant of the Courts of Lincoln.

Chief Justice of British Guiana, August 30th.

Solicitor General, British Guiana, August 30th.

Governor of Sierra Leone, September 13th.

Governor of Gambia, September 13th.

Vice-Chancellor of the United Kingdom, September 20th.

Governor of Newfoundland, October 8th.

Lieutenant and Sheriff Principal of the Shire of Lanark, October 6th.

Knight Grand Cross of the Bath, October 11th.

Privy Councillor, October 16th.

Inspector of Schools, October 16th.

Chief Ranger, Keepers of Park, October 16th.

Treasurer for Island of, October 16th.

Lord Lieutenant for Southampton, November 10th.

These are some of the appointments made by a gentleman defeated in the House of Commons, beaten by a large majority at the polls, and yet continuing to hold office and to make these appointments as completely as he could have done, had he received the support of a large majority in the House.

I will give another and a very high and distinguished authority, that of a gentleman which has paid great attention to this question of constitutional precedence, and who is one of the highest authorities on public life in England—I mean Mr. Disraeli, afterwards Lord Beaconsfield. In the English Hansard, D. vol. 195, of 1889, page 733, I find Lord Beaconsfield, reported as saying :

I entirely deny the position taken up by the hon. gentleman, that because I had tendered my resignation to Her Majesty, and Her Majesty had provisionally accepted it, I had ceased to be the responsible Minister of the Crown. That I believe is a point upon which there is no controversy whatever.

It does not follow that, because a Minister tenders his resignation and the Sovereign accepts it that the Ministry will be changed. Under any circumstances a considerable time may elapse. There is an instance of a not very distant date when six weeks elapsed. During all that time the Minister whose resignation is contemplated is performing the highest duties of the state ; he may be superintending negotiations upon which the peace of Europe may depend ; may be providing for the successful conduct of public expeditions in which the honour of the country is involved ; and when he is obliged to fulfil all these duties and discharge all these functions, could anything more absurd be maintained than that he should not feel himself authorized to recommend to Her Majesty those persons best qualified to represent the Sovereign ? On this point there is no doubt whatever, and there has been no difficulty about it in practice.

There is not a function that a Prime Minister in England is called upon to discharge of a higher character than that of appointing a representative of the sovereign in India, Canada or any of the colonies. I do not know that I have a case under my hand, but I remember very well that the late Lord Mayo was named Governor General of India by a Prime Minister after his defeat, and I think after his resignation, and Lord Mayo went to India and discharged, until his untimely death there, the duties of Governor General.

Mr. Disraeli refers to the case in which three days after Lord Russell's resignation and its acceptance and after an adverse vote in the House, he recommended that a Lieutenant-Governor be appointed and the appointment was made and never questioned. Mr. Disraeli also refers to Lord Palmerston in 1858, when he resigned in consequence of a vote in the House—a vote of want of confidence :

He allotted, and I believe most constitutionally, those three great distinctions (three Garters) to three eminent noblemen, his friends and supporters. Therefore, Sir, in my opinion, as far as the constitutional principle is concerned, there can be no doubt—and I never heard there was a doubt—that until your successor has kissed hands and accepted the responsibility of office, the retiring Ministers must meet and incur the full responsibility of all public transactions. \* \* \* I have had the opportunity of ascertaining the opinion of two most eminent statesmen of the present day, representing the two great parties in the state, and once occupying the highest office, and they told me not only that it was the right of the Ministry to recommend to the Sovereign under such circumstances—of which there is, I believe, no doubt whatever—but that in their opinion it was his duty.

No stronger statement could be made than Lord Beaconsfield, formerly Mr. Disraeli, giving his opinion, which was of the highest value, and fortified with a statement that two eminent gentlemen who had held the office of Prime Minister, declared that, not only was it the undoubted right of a defeated Minister to discharge all the duties, without any qualification, and perform the highest functions that fall to a Minister, down to the period that his successor is appointed, but it was his duty. Well, Mr. Gladstone commented upon this—and this will be the more important, as hon. gentlemen will see, when they have these opinions of Mr. Disraeli endorsed by so eminent authority as Mr. Gladstone. At pages 750 and 751 of 195, Mr. Gladstone says :

Then we come to the third question, which is connected with the conduct of the Government in this matter, and I am bound to say without giving any strong opinion on that point, that the doctrine laid down by the right hon. gentleman with respect to the position of an outgoing Minister requires some qualification, because if we accept it in the terms in which it was delivered, it amounts to this—that during the period which elapses from the time when resignation is tendered to the time when a suc-

cessor comes into power there is no change in the position of the outgoing Minister. That doctrine, in my opinion, is just as far from the truth as the unlimited proposition on the other side—that there was no capacity at all remaining in an outgoing Minister to transact public business. The truth, in fact, lies between the two statements. Much public business must be transacted by the outgoing Minister or the public interests would suffer ; but we all know that it is a familiar practice of outgoing Ministers to leave behind them a memorandum on this subject or on that, and stating that, on account of the position of the Government, they think it expedient to take no step in the matter, but they leave it to be dealt with by their successors. There is an intermediate region of cases, with respect to which it is in the option of an outgoing Minister to act, and that is in regard to filling up vacancies in offices. This is a matter difficult for the House of Commons to deal with. It must be left to the convictions and feelings of the gentlemen in power, and if there had been in the proceedings of the right hon. gentleman any matter of a flagrant character, that circumstance would have justified parliamentary interference.

But, Sir, such a thing as parliamentary interference with the exercise of the highest functions of the Prime Minister, after his defeat, has never been known down to the present hour. There was the case of the appointment of Mr. E. R. Wetherall as Under Secretary to the Lord Lieutenant of Ireland, which is a life appointment. The late Government, on the eve of their resignation, accepted the resignation of Sir Thomas Larcom and appointed E. R. Wetherall. Mr. Chichester-Fortescue, speaking for the Government, said :

I think it would have been a wiser course, and one far more advantageous to the public service to have pursued, if the late Government had endeavoured to induce Sir Thomas Larcom to continue in his office a little longer, and had not exposed the new Government to the inevitable disadvantage of coming into office with a new Under Secretary, entirely unversed in the duties of his department. \* \* \* In the first place, the present Government are not responsible for the choice which was made by the late Government, who were, strictly speaking, entitled to fill up a vacancy which they had not created.

So that, even with reference to the appointment of an under-secretary to the Lord Lieutenant of Ireland, who is practically, you may say, a member of the Administration, this appointment by an outgoing Premier of a gentleman to hold that high and important and confidential position, was absolutely unquestioned in Parliament. On page 755, Colonel Wilson-Patten says :

It is, I believe, an invariable practice that all the vacancies which occur within a reasonable time before the resignation of a Government are filled up by that Government ; and I think that if my right hon. friend will only move for a return of the number of appointments so filled up within the three weeks before the last six or seven Governments have left office, he will find that he cannot support the imputation he has cast upon the late Government—

Sir CHARLES TUPPER.

of having acted improperly in filling this appointment. Mr. Gladstone, at page 757, says :

I feel obliged, however, to demur to the pleas offered in justification by my right hon. friend opposite in the present instance. In the first place, he thinks that the objection taken by the Chief Secretary for Ireland is that no Government likely to go out of office ought to make any appointments whatever. My hon. friend did not lay down any proposition so absurd. It may be that it is very proper to make some appointments on the eve of quitting office. It may be that it is an error to make other appointments. The only question is—was this an appointment which it was wise for a Government to make on the very eve of quitting office? It is not any general rule, but it is the speciality of these appointments on which the objection is founded. \* \* \* \* \*

I think my right hon. friend opposite overlooked this consideration—that in case the late Government had not gone out of office it would not have been any great inconvenience to them to have postponed the appointment for three or four weeks; but in making it as they did, they made themselves the judges of who was a fit person to advise and support the new Lord Lieutenant and the new Chief Secretary; they decided who was to be the prop, stay and adviser of these officers, and that at a time when it was well known that Irish policy was the cardinal point of public affairs, and when, consequently, it was of the utmost importance they should work with those with whom they enjoyed unbroken sympathy. That being the case, I do not think my right hon. friend on this side has overstated the matter—while rendering the freest acknowledgments to the late Government in the most important respects—in venturing to say he considers they have not exercised a sound discretion.

Now, I think I have given a sufficiently long line of illustrious precedents establishing the practice in England regarding this important matter, and I now come down to our own practice. I will quote from the course and opinions of Mr. Mackenzie, and their approval by Lord Dufferin. In the life of Mr. Mackenzie, pages 514 and 515, you will find this letter written to the Governor General, dated 19th September, 1878 :

Dear Lord Dufferin,—The elections are mostly over, and sufficiently so as to be conclusive as to the defeat of the Government. The protection fallacy has taken deeper root than we had thought, especially with the farming community.  
\* \* \* \* \*

I shall endeavour to get my colleagues here as soon as possible to finish up what business we have in hand, after which I propose to wait upon Your Excellency at Quebec to tender you my resignation. I shall not initiate any new business here, but I propose filling a few vacancies which occurred within the last few weeks. I propose also, dealing with several English despatches, which have been unattended to during the heat of the election contest, and were under discussion before.

On 17th September, Mr. Mackenzie wrote to the hon. gentleman who now presides over this House, the Hon. J. D. Edgar :

You advise that we should make no appointments. This, I think, we can hardly accept as

sound advice. Ordinary vacancies should be filled up. Of these there are a number, some of them existing for weeks. I do think that we ought not to make any new appointments, or create vacancies by any process, in order to get our friends in offices.

Some hon. MEMBERS. Hear, hear.

Sir CHARLES TUPPER. I am not sorry to hear hon. gentlemen opposite say “hear, hear” to the sound doctrine which Mr. Mackenzie laid down, that vacancies should not be created for the purpose of filling them, because hon. gentlemen will search in vain for any indication of a desire on the part of the late Government to create vacancies for the purpose of filling them. But I draw the attention of the hon. gentleman, who is a little premature, perhaps, in his enthusiastic endorsement of that statement, to the following sentence :—

I do not think we ought to make any new appointments or create vacancies. It is quite constitutional for us to do even that.

Therefore, the hon. gentleman will see that even had we proposed to create offices, or make vacancies by any process, the hon. gentleman sees that we would have had the support of so eminent an authority as the leader of the Liberal Government at that time.

But the ground I took in 1873-74 was that I did not object, even after a motion of no confidence was moved, to the Ministry filling vacancies required in the public interest.

I may say that the reason this return shows a very small number of appointments made by the Right Hon. Sir John A. Macdonald after his resignation, is the fact that a good deal of industry had been exercised, after the vote of want of confidence, in disposing of public business in the various departments. Now, I do not think it is necessary for me to labour that point more fully than I have done; but I may say that a very strong corroboration of this policy, both in England and in Canada, is given by the Colonial Office in regard to what was done by the Governor of New Zealand in 1891, as set forth in the official returns of the Imperial House of Commons, referring to the recommendations of six members to the legislative council. Lord Onslow, a man of high standing, who filled the position of Governor of New Zealand, in a letter to Lord Knutsford, says :

It has, however, long been the practice in England for Ministers even after a vote of censure has been passed on them in Parliament, to advise the Crown to create a limited number of peerages, not only for the purpose of strengthening the Upper House, but admittedly as rewards to those who, being qualified for the position of Peers, have rendered political services to the defeated party.

Lord Knutsford, in replying to that despatch, says :

With regard to the appointments to the legislative council recommended by the late Govern-

ment, I am of opinion that in accepting the advice tendered to you by Your Lordship's responsible Ministers under the circumstances described in your despatches, you acted strictly in accordance with the constitution of the colony, but I do not desire to be understood to offer any opinion upon the action of your Ministers in tendering that advice.

So that even though Lord Knutsford may have disagreed with the action of the Government in nominating so large a proportion of the legislative council after they had ceased to have the confidence of Parliament, withholding his opinion on that point, he says that the Governor of the colony was acting in accordance with the constitution of the country in giving effect to that advice. Now, in view of these very strong and unqualified precedents to which I have drawn the attention of the House as briefly as I can, I may come to the next point, and that is the question of appointments. I will give what actually occurred. In 1873, as the papers on the Table of the House show, after the resignation of the Right Hon. Sir John A. Macdonald, there were eight appointments made, including a judge of a county court. As I have already said, a judge of the Supreme Court, just previous to that resignation being tendered, had been appointed, a Lieutenant-Governor had been appointed, and a number of other important officers had been filled. Well, in 1878, as I have already said, Mr. Mackenzie went to the country; and if I remember correctly the first vote in the House of Commons showed him to be in a minority of 85. He was, therefore, defeated by the overwhelming majority of 80 to 90, yet he claimed the constitutional right, the undoubted right, to close up the business of the departments, and to fill all the vacancies that existed. I will not go over all these appointments, because it would take up too much time, but they are to be found in the papers in the hands of hon. members. By examining those papers they will find that every submission to Lord Dufferin by Mr. Mackenzie, after his overwhelming defeat, was approved by Lord Dufferin. Every submission to Lord Dufferin by the outgoing ministry made after their defeat of the 17th September, and, before the resignation of the Government in October, 1878, was approved by the Governor General. There were 116 appointments to office, and I think 17 promotions. There were ten cases of superannuation, there were cases of increase of salaries, county court judges appointed, a judge appointed to the Supreme Court of Nova Scotia, judges appointed to the Supreme Court of Canada, judges appointed to the Superior Court of Quebec, a Deputy Minister of the Interior, and an increase to Governor Laird's salary. I assume there had not been any provision of Parliament for that purpose, but it was a most proper increase. The outgoing Prime Minister felt that his old friend who had accepted the Governorship of the North-west, in connection with the manage-

Sir CHARLES TUPPER.

ment of Indian Affairs which would devolve upon him, was entitled to an increase of \$1,000, and that was properly made. But I draw attention to the fact that every appointment, every nomination, every submission made, of which I think there were 180 in all, on various matters of public business, were approved. Hon. gentlemen will find on running their eyes over the submissions made by me, that scores were of the most insignificant character, but they related to public business which required to be dealt with by Order in Council. A large number of them were merely matters of routine, many of them acknowledgement of despatches and matters of that kind, but, as I shall show directly, no undue proportion of appointments. Now, from the mode in which these returns have been brought down, they are not very clear and distinct, and I have had to seek a good deal of personal information from my hon. friend in order to be able to understand them myself. As they are not very clear, I may not be strictly accurate, but so far as I can make out, between June 23 and July 11, 1896, 92 appointments to office were recommended in all. I do not refer to the appointment of Queen's Counsel, which is not an office but a distinction. I regret to say that the present Minister of Justice has dealt with great severity with the recommendations made by the late Minister, Mr. Dickey, but so far as I was informed a long time has elapsed since there had been a general list, and it was a distinction which barristers are very anxious to secure. There is no comparison at all between Queen's Counsel in this country and in England, as the present Minister of Justice would lead the people to suppose. It is a complete misapprehension to suppose that the slightest comparison can be made between the position of Queen's Counsel here and in England. Why are there so few in England? Here it is considered rather derogatory—I am not a lawyer, but gentleman at the bar will know that such is the case—for a lawyer to seek the office of Queen's Counsel, which is a position they like to have offered to them by the Government of the day as a mark of appreciation of the position they have attained. But in England it is quite the reverse. The office of Queen's Counsel is conferred on persons who seek and press their appointment, and they desire it as a most important step in their position at the bar, and hundreds of men who might otherwise be Queen's Counsel are not so because they cannot afford to take it. Instead of the office of Queen's Counsel being conferred merely as a distinction upon a barrister as is done in this country, in England it disqualifies him from the means of prosecuting certain branches of his profession, and the moment he has taken silk he is unable to go on and discharge the duties in which he had been professionally engaged. The Minister of Marine and Fisheries intimates by

his smile that I am getting into deep water in discussing a question of this kind; but the hon. gentleman will confirm my statement no doubt, if he has considered the question, that there are hundreds of men in England who refuse such compliment because they cannot afford it, and because it deprives them of following that branch of the profession in which they are most efficient and in which they desire to continue.

But apart from this distinction, which it was proposed to confer on a number of gentlemen, I think the appointments recommended between 23rd June and 11th July were 92, and of these recommendations, so far as I can make out, 66 were approved by His Excellency and 26 refused. That in general terms, is the statement. I confess I have been totally unable, giving the subject the closest attention I could, to arrive at the grounds on which the distinction has been drawn. These appointments were confirmed, His Excellency's approval being withheld from all recommendations which involved:

1. The creation of new offices or appointments.
2. The filling of vacancies for which no provision has been made by Parliament and which have existed for more than one clear fiscal year.
3. Superannuations, (and the consequential appointments) for which application has not been received.

So far as superannuations were concerned, it was not desired that any superannuation that had not been called for by the party should be pressed upon His Excellency. The one case in which superannuation was asked was that of the surgeon of the penitentiary at Kingston, and I was not aware when it was submitted to His Excellency that an application had not been received before from the very old and highly respectable gentleman who held the office. My attention having been drawn to that, we found it was not in our power to make it. But so far as the creation of vacancies or anything of that kind is concerned, I am satisfied that hon. gentlemen will search in vain for any except legitimate vacancies which the Government had an undoubted right to fill.

But it is not a question whether these were proper appointments or not. I take the ground, and I take it most emphatically, and I put it to hon. gentlemen opposite, that they will do much to undermine the system of parliamentary government we now enjoy in Canada if they yield the point that a Governor General, in the teeth of all parliamentary precedents in England and in this country, can undertake to dictate to his constitutional advisers what they shall do and what they shall not do. I say there are no means by which such information can be obtained by the executive head of the country that are not entirely at variance with all constitutional doctrine, and it opens the door to that kind of influence to which no government under any circumstances can for a moment submit without yielding and surrendering the very birthright of the

people of Canada. Why should the executive head, His Excellency undertake himself, of his own motion, to say to his responsible advisers that this appointment is a suitable and legal one and that is not. Where does he get his information? He has responsible Ministers. In the Ministry there is a Minister of Justice, and if he does what Her Majesty the Queen has always done, accept unquestionably and without hesitation every nomination made by an outgoing Ministry, which is responsible for it—for if a mistake is made Her Majesty is not responsible—no person dreams of raising the question as to whether the act is a proper one or not. It may be an unwise and even an improper act, but it is a part of the constitution of the country; and hon. gentlemen opposite cannot surrender it without giving up the birthright of the people of Canada, and taking a step towards that personal rule, that influence of the Crown in opposition to the people and to the Parliament of the country that led to great struggles not only in the mother country in times far gone by but in Canada down to a period within the recollection of persons within the sound of my voice, when there were bitter struggles, when the great reformers—and they were great reformers—struggled to secure free institutions for this country, and to whom our present free institutions are greatly due. Those institutions would have been obtained no doubt at a later period, but those men hastened the advent of a system of British parliamentary rule under which Canada has enjoyed so much peace, so much happiness and so much prosperity. Under these circumstances I say that any more dangerous principle cannot for a single moment be applied. If the Governor General is to make himself responsible, or to make the successors of his Ministry responsible for the action that he takes, where does he place himself? The Governor General of this country, holding the high and dignified social position that he does, so long as he preserves unimpaired the constitution of the country, so long as he imitates the high position which his Sovereign, whom he represents, occupies in the motherland; if he is a man of ability and judgment and tact, he will possess—as every gentleman who has had anything to do with government knows—a very wide, a very broad and a very great influence in the management of the affairs of government. Like unto Her Majesty the Queen, who does not interfere with the advice of her constitutional advisers, the Governor General of Canada, as a great social and executive head, should wield an enormous influence. But, Sir, if the Governor General, instead of listening to his constitutional advisers and to the voice of Parliament, who alone are constitutionally in a position to instruct him; if he undertakes to pass upon these questions himself, he must get his information from outside of his advisers. What

does the Governor General know about an appointment to a small office that is brought under his notice? He knows nothing, Sir. If the Governor General adopts the position that he is responsible for the acts to which he signs his name, instead of throwing the responsibility—as he is entitled under the constitution to throw it upon the shoulders of his constitutional advisers, if he takes such a position, he is driven to that which would render good government utterly impracticable in Canada. He must go amongst strangers for his advice if he adopts such a course. He does not know the people, and he has no means of judging of their wants. He must go outside and obtain information from sources that are secret and hidden, and are therefore utterly at variance with the principles of constitutional government.

I will give you an illustration of that in the next point that comes under consideration. I refer to the question of the Senate and the judges of Canada. What does the Governor General know about the Senate? He has the voice of Parliament to guide him, and if he wants to know what the character of the Senate of Canada is, let me invite him to read the able speech (although it contains a slight inaccuracy) delivered a few days ago by Sir Oliver Mowat, the Minister of Justice. Does Sir Oliver Mowat say that the Senate of Canada is a partisan Senate? Does he confirm the statement to which His Excellency has unreservedly committed himself, "that it is said, that I have been told, there are only five Liberals in the Senate of Canada." Sir Oliver Mowat paid a high and a well deserved compliment to the patriotism and high character and impartiality of the Senate of Canada. But while paying them this compliment, he made the mistake of saying that there was no Parliament in the world, he believed, in which there was so great a disproportion between one party and the other. But, Sir Oliver Mowat says, not that there are only five Liberals in the Senate of Canada as the Governor General says he was informed and acts upon that information; but Sir Oliver Mowat estimates the relative proportion as one-fifth and four-fifths. Why, Sir, the informant of His Excellency did not even know how many Senators there are. There are eighty-one Senators, but His Excellency's informant supposed there were only seventy-eight, and that of that number only five were Liberals. Sir Oliver Mowat tells him that there are sixteen Liberals or thereabouts in the Senate to-day. You cannot have a better illustration (except the next one I will give you) of the utter unwisdom of a gentleman in the position of the executive head of this country undertaking to inform himself in reference to public questions otherwise than through the legitimate channels which the constitution of our own country, and the practice of our own country affirms is the only safe channel through

Sir CHARLES TUPPER.

which the Governor General should seek advice. Mr. Mowat—Sir Oliver Mowat, I beg his pardon for calling him "Mr." for he wears his title with great credit to himself and with the very hearty approval, I believe, of the people of this country. Sir Oliver Mowat says:

I feel the great difficulty that there may be in dealing with all these questions by a Liberal Government, because the Liberal party has so few followers here. Probably such a state of things never existed in any county before with representative institutions, that four-fifths of the number in one Chamber belong to one party and that the remaining fifth, or less than a fifth belong to the other party. I have felt that difficulty, and every one must have felt it, but I would not have consented to come into this House, I would not have felt it right to avail myself of the honour to have a seat in this House, and I feel it to be an honour, if I did not believe that the House would be found to be workable, even with a Liberal Government.

Now, Sir, that relieves at once the stigma of partisanship placed upon the Senate. I may say, Sir, that when in Quebec we were considering the question of a second chamber, a very remarkable thing occurred. More than thirty representatives of all the provinces of Canada, Ontario, Quebec, Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland, were present on that important occasion. When the question of the constitution of the upper chamber of the Canadian legislature was taken up, as I have said, a very remarkable thing occurred. It is well known that for many years previously Canada enjoyed the representative system in the Upper House, and a number of very able and distinguished men had been elected to the legislative council of old Canada. It must be remembered that the representatives present at the Quebec conference were of both political parties. The Government of Canada was a coalition Government of Liberals and Conservatives. The delegates from Nova Scotia and New Brunswick represented both Liberals and Conservatives, and the same applied to Prince Edward Island and Newfoundland. Among the representatives of both these parties from all these provinces, there was not one single voice but was unanimously in favour of a nominated Senate for life, except Sir Oliver Mowat and the Hon. Wm. McDougall. One of the ablest men at that conference, the Hon. George Brown—as will be found by a reference to his subsequent speeches—was one of the strongest supporters of a Senate nominated for life in opposition to an elective Senate. I say that the eulogium passed by Sir Oliver Mowat upon the Canadian Senate is well deserved. I say that from the day it was created, from the day that appointments were made and gentlemen went into that chamber to discharge the duties of an upper chamber for the Parliament of Canada; from that day down to this hour, their conduct has evidenced great ability in dealing

with public affairs. They are worthy representatives of the wealth, the intelligence, the intellect and the patriotism of Canada. Many of them are men of great experience who have previously served in the Parliament of their country. I can give no better evidence of this than to remind the hon. Minister of Trade and Commerce (Sir Richard Cartwright)—who remembers it well, if the hon. First Minister does not—that the only occasions on which the Senate failed to give that support that was desired by Mr. Mackenzie, during his Administration, were occasions on which several of the foremost men of his own party walked out of this House rather than vote for the measures which the Senate rejected; and I myself heard Mr. Mackenzie say, at a later day, as I have no doubt many others did, admit that on those occasions on which the Senate differed from his Government, the Senate was right, and he was wrong. I say, therefore, so far as the character of that body is concerned, that they certainly are not entitled to be called Liberals and Conservatives, from a party standpoint. They have never exhibited partisanship. I have no hesitation in saying that it would be impossible to find any deliberative legislative assembly in the world that has exhibited through its whole career a more independent and impartial spirit, entirely irrespective of what party was in power. There have been occasions—I confess I did not think the Senate was right at the moment—on which the Liberal-Conservative party, with which I was connected, were treated by the Senate in regard to important measures with the same independent spirit that they exhibited on those two or three occasions during Mr. Mackenzie's régime. Any one who knows that great body, knows that it may be fairly looked upon in the light of a chamber of revision; and its services to this country on many occasions have been of the most important character. Whether the measures have been sent up by Mr. Mackenzie's Government or by Sir John Macdonald's Government, the revision they have undergone in the Senate has been of great value. But, when Sir Oliver Mowat says, as he says here, that he doubts whether any country in the world possesses a similar disparity, what does he say of the House of Lords? The House of Lords consists of 557 members; and it is a well-known fact that Lord Rosebery, when Prime Minister, estimated his entire support in that House at 64, or a little less than one-ninth, instead of one-fifth, the proportion in which the Liberal party is said to be represented in the Senate of Canada. And yet, Sir, with this great disparity, what did Her Majesty say, when Lord Derby, taking office in a minority, went to the country, and being badly beaten and compelled to resign, asked Her Majesty to increase that great disparity? Did she say: "You have got too many Conservatives in this

House: the Liberal party have only one-ninth of the whole House, and I cannot accept these nominations"? Her Majesty knew too well what the constitution of the country requires at her hands: and she has ever shown, from the hour she ascended the throne down to this moment, that she has no eyes to see and no ears to be guided by any statement in opposition to that of her constitutional advisers and the Parliament of her country.

Then, Sir, what was the character of these appointments? In the case of Mr. Angers and Mr. Desjardins, the nominations that were submitted to His Excellency, had those gentlemen no claim? Having adorned, as they did for years, seats in this House, they went to the Senate, and they were recognized by every man in that Chamber as worthy of the positions they filled. They were recognized as men of high character, of independence, and of thorough knowledge of the wants of the country, and they never failed in discharging their duty. Why did they leave those positions? Sir, they left them at the invitation of the Crown; and came down and placed themselves in the hands of the people; and, having met with a reverse at the hands of the people, having failed to obtain the support of the country, I say that they had an indefeasible claim to be restored to the positions which, at the invitation of the Crown, they had surrendered. Had those appointments been made, they would have vindicated the choice in the future, as they had vindicated it in the past, and would have shown that they were worthily placed to do their country a service.

I will not detain the House further with that; but I come to the question of the judges. The informant, the adviser of His Excellency, whoever he was, and upon whose advice His Excellency relied, ventured to say, and to convince the Governor General, that there was not one Liberal judge on the bench in Canada. I say that distinctly, that the declaration on which His Excellency rested, was a declaration that there was not a Liberal judge on the bench in Canada. I say so, too. I say there is not a Liberal judge on the bench. I say there is not a Conservative judge on the bench. If there is anything of which this Parliament and this country have reason to be proud, it is the character of the judiciary of Canada. I say, Sir, there is no country in the world—not even the great mother country, England—that presents a judiciary which deservedly commands to a greater extent the confidence of every man, every party and every class of people in the country than does the judiciary of Canada. But, Sir, with regard to the imputation that no man had been a Liberal when he went on the bench, it gave me no trouble—and I have no doubt that I have overlooked a great many cases—to give His Excellency at once, from the Chief Justice of the Supreme Court of Canada down to the judges of the Super-



ior Courts and County Courts in all the provinces, the names of no less than thirty judges who, when they went on the bench, were men of avowed Liberal proclivities. I give that as another evidence of the great danger—of the impossibility, Sir—of the government of this country being carried on under a system that enables persons holding no position of responsibility, secretly, unknown to the country, unknown to Parliament, unknown to the Government of the country, to obtain the ear of the Governor General of Canada. In this manner His Excellency placed reliance upon statements that are found, upon the most cursory examination—

Some hon. MEMBERS. Order, order.

Mr. SPEAKER. I am afraid the hon. member is making an imputation against the Governor General.

Sir CHARLES TUPPER. Not the slightest. If you will allow me, Mr. Speaker, I will give you His Excellency's own language on the subject, and you will find that he says he has been told, he has been informed. Not by me—not by a responsible adviser. Therefore, I am commenting, and, in so doing, am not making any reflection upon His Excellency, on the question of responsibility assumed by the Government.

The PRIME MINISTER (Mr. Laurier). The hon. gentleman spoke all along of the secret informants of His Excellency. He has used that expression three or four times.

Sir CHARLES TUPPER. I can only say that I had no knowledge of His Excellency's informants.

Mr. SPEAKER. I think the hon. gentleman implies something certainly disrespectful to His Excellency.

Some hon. MEMBERS. No, no.

Mr. SPEAKER. In my judgment he is, and I am sure he does not want, in the judgment of the Speaker of this House, to be considered disrespectful.

Sir CHARLES TUPPER. I can only say, Sir, that I am afraid, if you will permit me to say so, that the imputation comes from the Chair, because I have not charged any disrespect.

Mr. SPEAKER. I cannot allow that from any hon. member of this House. I cannot allow the hon. gentleman to say that the imputation comes from the Chair. The decisions which I make on questions so exceedingly delicate as this is, may be right or may be wrong. In my judgment, they are right and not unfair to either party of the House, and I am sure both sides of the House desire to maintain the rule which I quoted before, that, in this Chamber, the Governor General must not be spoken of disrespectfully. I quite appreciate the difficulty of making a distinction between His

Sir CHARLES TUPPER.

Excellency and the responsibility his advisers have assumed, but at the same time I think that can be done without casting any slur upon His Excellency.

Sir CHARLES TUPPER. I bow with great deference to your ruling, and I am quite certain that it does not arise from the slightest desire to limit my statements on this occasion any further than you feel obliged to do. I fully recognize that, and if I refer to these matters, it is because I want to place before the House the gravity of the position of opening the door to a course of conduct that, in my judgment, will be found fatal to all constitutional government in this country. I am glad to know that my remarks have nearly approached a conclusion, but there are one or two matters here that I scarcely know how to deal with. This communication from His Excellency says :

There is a recommendation of a refund of money which requires the sanction of Parliament. Such recommendations will have to be placed before Parliament by the Ministers of the day, and you may perhaps consider that they may be left to be dealt with by these Ministers.

Will the House believe me when I say that this involved a paltry sum of \$400, not a cent of which could be touched until Parliament had voted it, and yet the First Minister of Canada is told by the Governor General, on a question on which nothing can be done except Parliament gives its sanction, that the advice of His Excellency's constitutional advisers must be rejected.

I do not intend to deal with Mr. Payne's case, and I will tell my hon. friends opposite why. I have reason to believe—in fact I should be doing a great injustice to the First Minister if I did not say that I do believe—that under the peculiar circumstances, he will do all he can to consider Mr. Payne's position, and that is a matter of very great importance to him. But I simply draw his attention to this very briefly. Mr. Payne filed the position of private secretary to Sir Mackenzie Bowell, and after Sir Mackenzie Bowell went to England, he became my private secretary, and I can only say that I found him a very faithful and a very able and a very well informed man. In fact, he is a man of very considerable ability. Before Sir Mackenzie Bowell left the Government, the Council, of which he was the head, recommended that Mr. Payne should succeed to the position rendered vacant by Mr. Pope when he became Under Secretary of State, namely, the position of Assistant Clerk of the Privy Council. Well, I can only say that that recommendation was made subject to Mr. Payne's passing the promotion examination. When the time came for that examination, he failed; but although he failed, according to the report of the examiner, I found that he had passed a most excellent examination. I found that in every fair and legitimate test of his ability

to fill the position for which he was appointed, instead of getting 70 he obtained over 90 per cent of the marks. Then my attention was drawn to the fact that the questions prepared by the Clerk of the Council were of a very difficult character, to say the least of it, and I think that any hon. gentleman who will take the trouble to peruse these questions, as they are found on the Table, will come to the same conclusion. I am inclined to think that most of the members of this House would have been rejected on an examination of this kind. I have had a good deal to do with public matters myself during forty years, but I would not like to be examined on those questions myself, and certainly would not have liked to have my tenure of office depend on my answering them; but be that as it may, the Governor General in Council are the persons who arrange what the examination shall be. The examination is not held under statute, but under regulations made and altered from time to time by the Governor General in Council, and that being the case, if the Governor in Council believed that the examination had been well passed and that the party was entitled to his promotion under it, and that these questions which were not answered, were all of too technical and far-fetched a character to give a fair chance to the candidate, there was nothing to prevent the Governor General in Council, which has the responsibility of the whole thing in their hand, modifying those regulations in such a way as to apply to that examination. On that ground the Council asked the Governor General to give the promotion on the ground that a thoroughly good and satisfactory examination had been passed by Mr. Payne. The question of legality was raised, but, if I may be allowed to say so, that is not a question for His Excellency, but for the Minister of Justice, and if the Minister of Justice reports, as he did, that it was all legal, and if there was precedent after precedent to be found for exactly that same thing in other departments, I do not see why the advice of the responsible Ministers is to be ignored and set aside.

An hon. MEMBER. What did you do with Mr. Mackenzie's secretary?

Sir CHARLES TUPPER. I shall answer that frankly. Mr. Buckingham was appointed by virtue of the power that Lord Dufferin permitted Mr. Mackenzie to exercise. Mr. Buckingham had only been a short time in the service, and he was appointed before Mr. Mackenzie went out a Deputy Minister. He had been very rapidly advanced to a very high position, with a large salary, in the Department of Railways and Canals. He was a man, I believe, of great ability, and would no doubt have made a very able Deputy Minister. As is well known to hon. gentlemen familiar with these matters, private secretaries to Prime Ministers are considered entitled to exceptionally fav-

oured treatment, and the outgoing Prime Minister is always anxious, as far as he can, to provide for his private secretary. Mr. Mackenzie was animated by that sentiment, and was only in the exercise of his right when he appointed Mr. Buckingham to the high position of Deputy Minister. But Sir John A. Macdonald was going to be the Minister of that department—the Department of the Interior, and the Governor General approved of the appointment to this high office of a man who had been only a short time in the service and made him a deputy minister. Sir John A. Macdonald did not cancel, but he modified this by relegating Mr. Buckingham back to the Department of Public Works, where he was in receipt of a very good salary for the time he had been in the service. Now, I am dealing with the question whether I may say that had Mr. Payne been appointed to the position, had his appointment been confirmed to the position of assistant in the Privy Council office, I could quite understand that it is just possible that my hon. friend taking the position of the President of the Privy Council—and I had no knowledge at the time that he would take that position, for I preferred the portfolio, as Premier, of Secretary of State—but that is a matter of opinion—might have preferred some person in more confidential relations with himself and translated Mr. Payne to some other position. But we are not dealing with that. I am dealing with the question whether a Governor General in Canada shall undertake to obtain opinion from any outside source and overrule and override the advice given him by his constitutional advisers. That the Governor General is entitled to the fullest and most complete information in regard to everything that comes before him I quite admit. But I believe the proper practice was that the information was sought in a legitimate source of the Prime Minister, and the Governor General discussing with his Prime Minister any point that presented itself for his consideration, the question was solved by considerations presented and a conclusion arrived at satisfactory to both. But I say that under the circumstances I do not intend to go into it further than to give this brief statement of the position, hoping and trusting and sincerely desiring that my hon. friend will take some measure to do justice to the fair and legitimate claims of Mr. Payne. I do not wish to bribe the hon. gentleman, but I can only say that if the time should come when he will have to make a similar appeal to me in regard to his private secretary it will receive my most favourable consideration.

Now I am glad to be able to say that I must conclude these somewhat lengthy and tedious observations. But the point is an important one. We have been very fortunate in the Governors General we have had. Lord Monck, Lord Lisgar, Lord Dufferin, Lord Lorne, Lord Lansdowne, Lord Stanley.

And I never had greater pleasure in my life than I had in attending the banquet which was given to Lord Dufferin. I have said that until Mr. Mackenzie retired from office Lord Dufferin gave him his fullest confidence and fullest support. Mr. Mackenzie was beaten, as I have said, by an overwhelming majority, yet Lord Dufferin accepted every nomination he made, appointing judges of the Supreme Court, judges of the Superior Court, county judges—in fact, accepting every nomination, without hesitation of qualification. And Lord Dufferin left this country, as every person knows, after a very brilliant administration with the hearty approval and affectionate regard of every person regardless of party. He was here on the occasion of two very important political crises. Yet when I had the pleasure of attending the banquet in the city of London given to him when he returned from his Governorship, side by side with me sat Mr. Mackenzie; and it was a great source of pleasure to Lord Dufferin and to his friends to hear from the lips of both Mr. Mackenzie and myself the declaration that Lord Dufferin then enjoyed the hearty confidence and kindly feeling of every inhabitant of Canada of every party and every class. Now, Sir, that has been a condition with regard to every Governor General we have from confederation down to the present hour, and there is no gentlemen on either side of politics but will feel it to be of great importance that that should continue. No greater misfortune could happen to Canada in my opinion than that the time should come when anybody would feel that the Governor General of this great Dominion represented not his sovereign who reigns in the hearts of the whole people but a party in the state. In this we should lose one of the great distinctions that give British institutions, in my opinion, such great superiority over republican institutions. And I can only say, as I said in rising that I have never been called upon to discharge so painful a duty in my life as to animadvert in the slightest degree upon the floor of Parliament upon the executive action of the executive head of the country.

I do not intend to conclude with a motion, and I will tell the hon. gentleman (Mr. Laurier) frankly why. It is because I felt that it would intensify the difficulty if a majority in this House were to affix, by a solemn vote, their approval to what has taken place. I say I should regret that as intensifying the unpleasant nature of a position which nobody deploras more than I do. What I have said in relation to this matter has not been tinged with personal feeling. So far as I am personally concerned, I make no complaint. So far as the great party I have the honour to lead in this country is concerned, I make no complaint. But I feel that there are some things above and beyond party, and one of these is the maintenance of these great parliamentary institu-

**Sir CHARLES TUPPER.**

tions that have enabled England to become what she is and which have been adopted and copied down to the present time by Canada and have enabled all classes and all parties in this country to look to the Executive head of Canada with the same respect and confidence that the people of the whole Empire look to Her Majesty the Queen.

Mr. LAURIER. Mr. Speaker, the hon. gentleman has rested the case which he has drawn to the attention of the House largely upon principles which no one disputes, upon principles which have come to us from men whose names will ever be dear to all shades of Liberals and Reformers. But when it came to the application of these principles, the hon. gentleman once more showed that when an ingrained Tory, if I may so speak of him, or a Liberal-Conservative, as I suppose he would prefer to be called, undertakes to apply Liberal principles, he is always apt to fall into sad and lamentable error. It may not be uninteresting, at the outset of this controversy, to review the facts and the arguments which constitute the head and front of the hon. gentleman's speech, in the light of events which are now matters of history. When, on the 9th July, the telegraphic wires spread the news throughout the country that the Administration of the hon. gentleman had surrendered the seals of office into the hands of His Excellency the Governor General, the impression was general throughout the country that he and his colleagues had at last loyally accepted their defeat, that they were loyally obeying the mandate they had received from the people, commanding them, in no uncertain tones, to vacate their offices and to give them up to men in whom the people had declared their confidence. But this impression, natural as it was, was erroneous; this impression, honourable as it was on the part of hon. gentlemen opposite, gave them a measure of credit to which they were not entitled; because we have it to-day from the mouth of the hon. gentleman himself, we have it in these papers which have been laid on the Table of the House for some time, and to-day we have it confirmed by the hon. gentleman himself, that, if they surrendered the seals of office, it was not in obedience to the mandate of the people, but it was because, although they still presumed to offer advice to His Excellency, His Excellency would no longer accept the advice of men whom the people had rejected. If His Excellency had accepted the advice of those hon. gentlemen, defeated though they were, they would have remained to govern the country until, as the hon. gentleman has said himself, they had been kicked once more by the representatives of the people. Now, such is a plain statement of the facts, and under such circumstances the hon. gentleman comes here and has the boldness—I might perhaps use a stronger word—to ask Parliament, impli-

edly, not actually, to censure His Excellency for the course which he adopted on that occasion. Well, Sir, here is my answer to the hon. gentleman: The Governor General has committed no wrong against the people of Canada. His Excellency has done what he had received a command from Her Majesty the Queen to do, he has made himself the custodian and the champion of the rights of the people of Canada. I do not hesitate to say more: if the conduct of His Excellency the Governor General has been the means of compelling the hon. gentleman and his colleagues to abide by the verdict of the people, which otherwise they would have disobeyed, I say here, that the name of Aberdeen, like the name of Elgin, will ever be revered by the people of this country who cherish constitutional and popular government. There is something, I will not exactly say comical, but verging on the comical, in this sudden, new-born zeal and respect of the hon. gentleman for the constitution. They are not in their element. They are reactionary, and, whenever reactionary people attempt to become Liberal, they are very apt to become revolutionary. It is only two weeks ago since the hon. gentleman who sits beside my hon. friend the leader of the Opposition, and whom I regret not to see in his seat to-day, the member for York (Mr. Foster)—it is only two weeks ago that he confided to us, in dolorous tones, that, since sitting in the cold shades of Opposition, his poor soul was harrowed with doubts and scruples from which it was quite free when sitting on this side of the House. When sitting on this side, he never hesitated to use and abuse special warrants in order to cover expenditures more or less questionable; but, sitting there, in the cold shades of Opposition, the hon. gentleman confessed to us that his soul was tortured because, forsooth, this Government had used special warrants in order to pay the wages and salaries of men who are giving their daily toil to the service of the country. To-day, we have the hon. gentleman the leader of the Opposition coming here and telling us that the constitution has been outraged because he was not allowed, under the circumstances of the case, to fill the Senate with his followers, and to fill the public service with his creatures. Now, let us look at the case, such as it is, let us examine it closely. What is the line of cleavage between the attitude taken by His Excellency the Governor General and the attitude maintained by the present leader of the Opposition? There was an election on the 23rd of June, as we all know, and that election did not result as the hon. leader of the Opposition had expected. He had indulged a good deal in the line of prophecy. He had told the admiring crowds of office-seekers that he was sure to sweep the country; he was sure to sweep the maritime provinces, he was sure to sweep the western section of On-

tario, he was sure to sweep all Canada with the cry of religious passion which his followers were raising. It was expected that the Liberals would be snowed under forever. But, Sir, events did not turn out that way, and, as soon as he found out that the Government had been defeated, my hon. friend and his colleagues were equal to the occasion. They set their hearts and hauds at once to the task of filling the public service, from the Senate Chamber to the messengers' room, filling every hole, every nook, and corner, and crevice, with their appointments, so that the new Administration would have been forced to live, if that system had been carried out, in an atmosphere saturated with Toryism; and for years, perhaps, they would have been paralyzed by the conditions imposed upon them. The hon. gentleman, when under the strain of defeat, undertook to advise His Excellency to appoint Senators, to appoint custom-house officers, to appoint inland revenue officers, to appoint messengers and light-house keepers, and to fill the civil service in every grade. But His Excellency took the ground that, under the peculiar circumstances in which the hon. gentlemen were offering their advice, he could not appoint the Senators, neither would he appoint civil servants unless they belonged to a certain category. He would not make life appointments, and appointments involving the creation of new offices, or fill appointments for which no provision had been made by Parliament. Recommendations to that class of appointments His Excellency would not sanction. Now, Sir, here is another grievance of my hon. friend. I think I put the case just as he puts it, when he asked what information had the Governor General of the defeat of the Government. What right had he to make any distinction between one appointment and another? How did he know that the Government were defeated? He could only know that from the Prime Minister. Those were the questions the hon. gentleman put; this was the answer he gave. Again I ask, How could he know whether, on the 23rd of June, the Government was defeated? Who could have told him? How did he know? He knew from his adviser, the Prime Minister, Sir Charles Tupper. He it was who had acquainted His Excellency with that fact. Sir, on the 25th June, two days after the election, there appeared in the Montreal "Gazette," the organ of the hon. gentlemen, the following despatch from Ottawa:—

Ottawa has not yet recovered from the surprise and astonishment caused by the defeat of the Conservative party yesterday. As far as this city is concerned the blow came like thunder from a clear sky, for although it was admitted that owing to the split in the Conservative ranks here one seat and possibly two would be lost in Ottawa, still the greatest confidence was felt that the party would be sustained by a majority throughout the Dominion. As to the causes of the defeat, there are a thousand and

one theories, but probably no one comes so near to the real cause as does Sir Charles Tupper in an interview which your correspondent has just had with him. Sir Charles attributes the disaster—

Sir Charles Tupper knew the disaster, then.

—to the fatal mistake which had been made of refusing to dissolve Parliament after the adoption of the remedial order and the calling of a session to deal with the Remedial Bill when the life of Parliament expired on a fixed date.

Sir, from this statement, it is clear that the leader of the Opposition knew quite well, two days after the election, that a disaster had overtaken his party. Then, the following day, the Montreal "Star" had the following despatch from Ottawa:—

It is understood that Sir Charles Tupper has received from London a large number of telegrams extending sympathy on his defeat.

Why, even in London they knew the hon. gentleman was defeated. Telegrams of sympathy were being sent him; and it is only at Rideau Hall where it is supposed that nobody knew.

It was long after five o'clock last evening when the Ministers came out of Council. Sir Charles Tupper came almost last and walked briskly around his room in the Secretary of State's Department talking on the outcome of the elections.

"There is nothing for you to say," he said to a correspondent, "except this, that as soon as Council can conclude the routine business now before it, so soon will the Ministry resign. I can give you no date at present, but probably in a few days."

Not two hours ago the hon. leader of the Opposition asked the House, how could His Excellency know of the defeat of his Government? Will the hon. gentleman pretend here that he would not treat His Excellency with the same respect as he treated the correspondent of a newspaper? Will he pretend here that when he said to a newspaper correspondent that his party had been defeated, that he was prepared to vacate office as soon as the routine business was closed, he would have us believe that he was so disrespectful to His Excellency as not to give him the same advice? Is the hon. gentleman prepared to have this House believe that he had so little respect for his duty and obligation to the representative of the Sovereign not to tell His Excellency the same fact which he had told the newspaper correspondent? Now, what is there left of the case presented by the hon. gentleman, when the whole case is rested on the assumption that His Excellency could not act except upon the advice of his Ministry? There is nothing left of the hon. gentleman's case, because the hon. gentleman cannot come here and tell this House that what he stated to the newspaper correspondent he did not state to His Excellency. What then did the hon. gentleman state to His Excellency? He wrote to Quebec possibly, or when His Excellency came here, he said:

**Mr. LAURIER.**

My Lord, there is nothing now to do except that as soon as ever Council can conclude the routine business now before it, the Ministry will resign. That is the language which the hon. gentleman must have used to His Excellency—he could not have used any other language. So His Excellency in just two days after the elections learned that his Ministers had been defeated, and from that moment His Excellency was within his right, not only within his right, but within his duty when he kept the hon. gentleman strictly to the advice he had given—that is to say, that he was prepared to resign after he had completed matters of routine, but he would not go beyond that. That is the case as it is at the present time. My hon. friend spoke with his usual vigour on the British constitution, and if we are to believe him in the speech he delivered this evening, he had nothing in view but respect for the British constitution. If I understood him aright, Government is responsible to Parliament but not responsible to the people, and the voice of the people, can only be heard through the voice of Parliament and the voice of the people, as spoken by the people, is not to be taken into consideration. I do not say that there is not something in that argument. But that is not the modern doctrine, which is, that the Government is not only responsible to Parliament but to the people in whose behalf Parliament speaks. The theory propounded by the hon. gentleman is a hundred years old. The hon. gentleman well knows that the British constitution is not a cut and dried instrument. If there is one characteristic which distinguishes the British constitution more than another it is its elasticity. It has been found applicable as statute has followed statute and precedent followed precedent, and it has adapted itself to new eras of development as they have progressed from age to age. It has been applied without effort, wrench or hindrance from the time of the personal absolutism of the early Plantagenet kings down to the Democratic Government of Queen Victoria. Responsible government was the greatest conquest achieved by the British people under the constitution. In early days government was responsible to Parliament. But it could hardly be said that Parliament represented the people—it represented the classes and the privileged classes, but not the people; and the great Reform Bill of 1832, followed as it has been by successive instalments and extensions, brought the Parliament of Great Britain and the Parliament of Canada to be expressions of the direct voice of the people. This is a new doctrine, which is new in operation,—that as soon as the voice of the people has been heard, immediately the Ministers of the Crown shall take advice as to whether they have been supported or not by the people. The first statesman to deal with this question and to take this view was Mr. Disraeli after the great Reform Bill of 1868. Mr. Disraeli appealed to the

country. He was defeated, and on being defeated, immediately he sent his resignation to the Crown. It was a novel step, a step not possible in the last century, but a step not only necessary but advisable under the new development of the British constitution. And this is the reason given by Mr. Disraeli for his action :

Although the general election has elicited, in the decision of numerous and vast constituencies, an expression of feeling which, in a remarkable degree, has justified their anticipations, and which in dealing with the question in controversy, no wise statesman would disregard. It is now clear that the present Administration cannot expect to command the confidence of the newly-elected House of Commons. Under these circumstances, Her Majesty's Ministers have felt it due to their own honour, and to the policy they support, not to retain office unnecessarily for a single day.

This is the first precedent. Six years afterwards Mr. Gladstone, who had been in office during that time, went to the country and was defeated, and forthwith he sent in his resignation. That was in 1874. Then Mr. Disraeli came back into power. In 1880 general elections took place, and resulted in the defeat of Mr. Disraeli's Government. Forthwith Mr. Disraeli forwarded his resignation to the Queen. Six years afterwards at the general elections the Government of Mr. Gladstone was defeated, and again on that occasion Mr. Gladstone, without waiting to meet Parliament, sent his resignation to the Queen. At the last elections, 1892, Lord Salisbury was defeated, but instead of sending his resignation to the Queen, he chose to meet Parliament, and to be defeated on the debate on the Address. The reason which induced Lord Salisbury to meet Parliament was that a majority was not apparent, and that the Liberal strength was made up of a heterogeneous combination, including Radicals, Home Rulers and labour representatives, whose opinions could not be obtained except by a vote in the House. We have it clearly set forth that this was the reason why Lord Salisbury did not resign at once. But this argument cannot apply in the present case. We have had the words of the hon. gentleman opposite (Sir Charles Tupper) that two days after the elections he said he knew he had been defeated. Well, Sir, if he knew he had been defeated, in the view of the precedents I have quoted, he had only one course to take, and that was, to discharge all routine business, then take his cane, gloves and hat and walk out and make place for another. This is the only view in my estimation which the question can admit of. This is the view which His Excellency took, and this is the view which the advisers of His Excellency are prepared to maintain not only on the floor of Parliament, but to maintain also with great confidence of success all over the country. It is the view which is in consonance with the rights of the people such as we understand them at the present time. The hon. gentleman (Sir

Charles Tupper) made another point. He stated that although defeated the outgoing Administration had the right to appoint Senators, because, as he says, it is acknowledged in England that the outgoing administration has the right to appoint peers. But, Sir, there is a qualification upon this. Does the right of the outgoing Administration in England go so far as the hon. gentleman has stated? Does the rights of the outgoing administration in England go to the extent without qualification of appointing peers? It does not as I understand it. Let me quote an authority upon this subject. Todd says :

The moment it was proved that those peerages had really been agreed to by the outgoing Minister, he having taken the pleasure of the Crown on the point, that moment the Ministers in power agreed to confirm the grant, and thus respected the engagements of their predecessors.

Sir, I can understand that. If the outgoing administration before the election had taken the precaution, or had advised the Crown, of nominating Mr. so and so to the House of Lords, and if the Crown had agreed to that, I could well understand that the honour of the Crown under such circumstances was pledged; and that it was the duty of the new ministry to fulfil these obligations, since the honour of the Crown was pledged to them. But, does the hon. gentleman (Sir Charles Tupper) pretend that he had obtained the sanction of the Crown to the appointment of Mr. Angers or of Mr. Desjardins or of Mr. Nat White or of Mr. Gooderham. He cannot pretend anything of the kind. If the hon. gentleman had told His Excellency before the election: I have advised Mr. Angers to resign in the Senate, but I warn Your Excellency that if he is defeated by the people, I shall claim the privilege of re-appointing him to the Senate; and if His Excellency had agreed to such an extraordinary bargain as that—because it would be nothing short of a bargain—then I can understand that the hon. gentleman would have some ground to stand upon. But, he pretends nothing of the kind, and his argument therefore is untenable. There is another point of difference, and what is it? I am glad for my part that we should be able to compare the Canadian Senate to the House of Lords, but, Sir, there is an immense difference between them as the hon. gentleman knows. The number of the Senators is limited, and therefore if the Senate is crammed with one party the incoming administration might find it an absolute impossibility to carry on its legislation. On the other hand, the House of Lords is not limited in number and if the outgoing administration were to make appointments which would be embarrassing to the incoming administration, then the incoming administration has the right of suggesting and making other appointments. There is no similar feature in the Senate here.

But there is something more. The hon. gentleman (Sir Charles Tupper) is strong

upon the constitution. I charge here against him and against his party, that in so far as the Senate of Canada is concerned, they have all along for the last eighteen years disregarded the constitution of Canada in the nature of the appointments which they made to that branch of the legislature. It was one of the well understood principles at confederation—and the hon. gentleman referred a moment ago to the debates of the Quebec convention—it was one of the well understood principles then, that if the Senate was not elective, and if it was to be appointed by the Crown, then both political parties should be equally represented on the floor of the Senate. The hon. gentleman has forgotten that rule in practice although it cannot have escaped his memory. He quoted a moment ago the opinion of Sir Oliver Mowat who at that early date was against a nominative Senate and in favour of an elective Senate. Certainly, Sir, the practice of late years has shown that at that time as now, Sir Oliver Mowat possessed the same sagacity which has distinguished all his political career. That very same question came up for debate in this House some twenty-two years ago. In 1872, Mr. Mackenzie had made some attack upon the constitution of the Senate (the very point which we have before us at the present time), and Sir John Macdonald who was the leader of the Government resented the attack with great vehemence. This is how Sir John Macdonald spoke :

With regard to the provinces of Upper Canada and Lower Canada, a full selection was made without reference to political principles. In the province of Upper Canada a fair arrangement was made between himself and the Hon. George Brown, then and now the leader of the party of which the hon. gentleman (Mr. Mackenzie) is a member, and although Mr. Brown retired from the Government before the selection was made, he (Sir John) felt that still the arrangement was obligatory, and he asked his hon. friend from North Lanark, and the present Lieutenant-Governor of Ontario, the representatives of the Reform party in the Government of the day to sit down with him and select the twenty-four men for the Senate. He (Sir John) wrote a name, choosing from his own party, and they selected their man, and the consequence was twelve Reformers and twelve Conservatives were elected to sit in that Chamber, and no one knew better than his hon. friend that it was a fair understanding that the claims of members of the legislative council of old Canada to seats in the Senate should be considered as vacancies might take place, and that had been faithfully carried out.

This was the pledge which was taken by all the members who sat at the Table to frame the confederation resolutions. Has that pledge been kept by the hon. gentleman (Sir Charles Tupper) and his party? No, for the hon. gentleman and his friends saw to it that no appointments were made to the Senate but those of their own partisans. The hon. gentleman spoke a moment ago of the high character of the Senate. I have nothing to say derogatory of the character of the

Mr. LAURIER.

Senate. Let it be ever so able a body, does the hon. gentleman pretend that it has that character of fairness which was expected of it when the Senate was created to be nominative and not elective. Sir, the hon. gentleman (Sir Charles Tupper) knows very well that His Excellency had a fair case in hand when he pointed out to the hon. gentleman, that if four new Senators of the Conservative persuasion were appointed it would be a source of embarrassment to the incoming administration. At that time the hon. gentleman was defeated. He knew that he had to resign for he had stated so himself, and he knew there must be a new Liberal Administration. How would the case have stood? There were four vacancies in the Senate including one from the province of Ontario, which the hon. gentleman proposed to fill. It had been stated throughout the whole country during the election campaign that Sir Oliver Mowat was to enter the Administration as leader of the Liberal Government in the Senate, and the hon. gentleman (Sir Charles Tupper) knew it. If the hon. gentleman (Sir Charles Tupper) had had his wish; if he had been able to fill the only vacancy which then existed in the province of Ontario, the Liberal Administration, the Government of to-day, would have been placed in a position of almost superhuman difficulty in that respect. Sir, the hon. gentleman, under such circumstances, does not hesitate to blame His Excellency for the course he took. Every man in this House or out of the House who has the instinct of justice in his bosom will approve the course of His Excellency upon that occasion.

Then, Sir, what about the judges? I do not see much importance in discussing the question of the judges upon this occasion, because the matter came up simply hypothetically. But, since the hon. gentleman has alluded to it let me refer to the subject. This is what His Excellency said with regard to the judges, and I submit, Sir, that the statement of the hon. gentleman a moment ago was not only most disrespectful in tone and words, but it was most unfair to His Excellency as well. This was the simple remark made by His Excellency :

In the case of judges, I will only add that, bearing in mind the ordinary length of their tenure of office and also the long political predominance of one political party in the Dominion Parliament, the current deduction as to the complexion of the political opinions represented upon the bench, whether baseless or well founded is not unnatural.

Sir, the hon. gentleman finds fault with that. The hon. gentleman knows the condition of things in this country. I have nothing to say against the bench. I am prepared to admit everything he said in honour of it. But, Sir, judges are men like all other men; and the hon. gentleman knows very well that whatever may have been the practice before 1878, since that time all appointments

to the bench have been made not so much for judicial fitness as for the reward of political service. I am sorry to have to speak in that way; but, Sir, I speak the truth as it is known to every man in this country. That there are men whose political services were not ignored when they were appointed to the bench, but who are a credit to the bench, I admit; but suppose every man appointed to the bench were ever so free from partisanship, we have all had sufficient experience of life to know that unconsciously, whether Liberals or Conservatives, we grow into one groove of opinion; and happy is the man who can say that he is never biased by the opinions of his life. Judges on the bench continue to be human. I do not impugn their motives or their good intentions; and fortunately at this moment it is not necessary for me to do so. But, Sir, who can say, when a case arises, especially one of a political nature, that the judge on the bench is not biased by the political opinions he has held during his life? If I went through my own country, I might find instances of that. I prefer not to do it; but let me go to another country; let me go to the republic to the south of us. The Supreme Court of the United States, as is well known, has been long regarded as one of the great judicial tribunals of the world. It has earned the praise of de Tocqueville and other great thinkers; and certainly all praise bestowed upon it was well deserved. But we know that on a famous occasion, after the presidential election of 1876, when the question was referred to a commission in which that great court was represented, whether Mr. Hayes or Mr. Tilden had a majority of the electoral vote, the judges of that court who sat in the commission divided on every question upon party lines. Does the hon. gentleman presume to say that Canada is better than other countries in that respect? Canadian judges are liable to all the passions of mankind; and in view of the fact that every man appointed to the bench for the last eighteen years had been taken from the ranks of the Conservative party, it was not unnatural for His Excellency to think that perhaps it would be in the interest of the country if judges were now taken from the other side of politics. Not, Sir, I am sure, that His Excellency wanted to convey the impression that judges carried their politics with them on the bench; but simply because His Excellency could not be blind to the fact that judges are weak and human like all other mortals.

As to the case of Mr. Payne I do not care to say much, and I would not have referred to it had the hon. gentleman not introduced it. I think it is a very small thing to be brought into this debate. Mr. Payne was the private secretary of the hon. gentleman, and my hon. friend before he left office wanted to have him appointed to one of the most important offices in the civil service, that of deputy clerk of the Privy Council.

Mr. Payne, in order to qualify for that position, had to pass an examination. He passed the general examination creditably, but he failed in the technical examination. The hon. gentleman a few days ago—I hope I shall be pardoned if I refer to it—was most unfair to Mr. McGee when he stated that he could not obtain the questions from Mr. McGee. Why should Mr. McGee have concealed those questions? Mr. McGee has assured me that the hon. gentleman in this respect must have been in error, because he was not conscious of having refused those questions. But why, in the name of common sense, should Mr. McGee refuse those questions when they were prepared with the sanction of Mr. Angers, then President of the Council, and approved by the Governor in Council? Mr. Payne, having failed in that examination, was not qualified for the office; and when under these circumstances the hon. gentleman advised His Excellency to appoint Mr. Payne to that office, he advised His Excellency to commit an illegality, and under those circumstances His Excellency was not bound to accept the advice of his adviser.

Now, Sir, I come to a reproach which I was not a little astonished to find in the mouth of the hon. gentleman. The hon. gentleman quoted from a state paper of His Excellency the following sentence, in which His Excellency deals with what took place here during last session:

The previous Administration (with Sir Mackenzie Bowell as Prime Minister), representing the views of the same political party, and having a majority in both chambers, failed to pass its proposed legislation, and on the 25th April Parliament expired by efflux of time, without having granted supplies for the public service beyond the 30th of June.

The hon. gentleman challenged that statement of His Excellency. He said that there was an innuendo here, which was not borne out by the facts—that His Excellency conveyed thereby the impression that supplies had been refused by Parliament to the then existing Government, which the hon. gentleman characterized in strong and severe language as most unwarrantable, and as conveying a false impression to any man who did not know the exact state of the facts. Sir, I invite the attention of the hon. gentleman to a motion which was moved in this House by his neighbour the hon. member for York (Mr. Foster), for which he spoke and for which he voted. Here it is:

That on the 28th of January the House was asked to go into Committee of the Whole for granting supply, and to consider first the appropriations for departmental salaries and contingencies.

That neither then, nor on the several occasions thereafter when the House was asked to grant supply did the Opposition agree thereto.

That appeals were made by the Government setting forth the urgent necessity for making provision for the ordinary and regular expenditures for the approaching fiscal year, or in view of the impending dissolution and of the fact that



the new Parliament could not possibly assemble before July 1st and would probably meet shortly thereafter, for a part thereof.

That despite these representations and although the circumstances were well-known and there was ample time at the disposal of the House, supplies for the year 1896-97 were refused and Parliament rose on the 23rd April without these supplies being granted.

Sir, the statement which the hon. gentleman characterized a moment ago as conveying to the public a false impression, is not half so strong as the statement for which he spoke and voted less than two weeks ago. Here we have the statement, not by innuendo but positively made, that Parliament deliberately refused to grant supplies to the outgoing Administration; and, Sir, in the face of that condition of things, when the late Government could not obtain supplies from Parliament, when it was resting under the strongest censure that could be passed by Parliament, the hon. gentleman dares to complain that he was treated with severity. I say, Sir, that he was treated with great leniency, because under such circumstances he had not the right even to appoint a messenger or to spend a single dollar. The hon. gentleman to-day comes before Parliament—for what? To vindicate the constitution? No, Sir. The complaint of my hon. friend is the last wail of the disappointed office-grabber. All this quibbling and equivocating, and pettifogging, and hair-splitting is absolutely meaningless, unless there were behind it some moral wrong. But moral wrong there is none. His Excellency committed no harm to anybody, and conferred a great benefit on this nation, because he showed that, in this nineteenth century, under the British Crown, and by the aid of the British Crown, the people shall have government of the people by the people and for the people, and for this all true Canadians will revere the name of Aberdeen for ever and for ever.

Motion agreed to, and the House again resolved itself into Committee of Supply.

(In the Committee.)

Clothing and necessaries, ordinary vote.. \$90,000

Sir ADOLPHE CARON. I understand that this item was reserved in order to give an opportunity for general discussion, and I believe the late Minister of Militia wishes to discuss it. As he is not in the House now, I would ask the hon. gentleman to let it stand.

Sir CHARLES TUPPER. I think it was understood that this should stand for the purpose of general discussion. I should like to ask the Minister of Militia if he would kindly lay upon the Table the letter I asked for.

The MINISTER OF MILITIA AND DEFENCE (Mr. Borden). I will lay it on the Table to-morrow.

Mr. LAURIER.

The MINISTER OF FINANCE (Mr. Fielding). We will let that item stand.

Tidal service, Tide gauges, instruments and staff.. . . . . \$15,000

Sir CHARLES HIBBERT TUPPER. Can the hon. gentleman explain this increase of \$5,000?

The MINISTER OF MARINE AND FISHERIES (Mr. Davies). These Estimates are in exact conformity with those brought down last session. I have not made any alteration whatever. I find that the vote for 1895-96 was \$10,000, and the expenditure within a few dollars of that sum. In the Estimates submitted for last year \$15,000 was asked, and I assume that it was for some expenses of the service. But Mr. Dawson has not returned from his labours, and I have had no opportunity to consult with him.

Sir CHARLES HIBBERT TUPPER. I am glad to see the additional amount here. This service is a very important one, and I have always been afraid that we were going a little too slowly, for the result of the survey in connection with the currents of the St. Lawrence and approaches to it are becoming of greater importance every day. We began on a small scale, and gradually increased.

The MINISTER OF MARINE AND FISHERIES. I do not wish to mislead the House into believing that I have formed an opinion as to the desirability of expending this extra \$5,000. Until I see Mr. Dawson's report, and have an opportunity of consulting with him, I cannot form an opinion.

Sir CHARLES HIBBERT TUPPER. You will find you need all the money.

The MINISTER OF MARINE AND FISHERIES. I keep an open mind on the subject. So far, I have only adopted the estimate of my predecessor.

Removal of obstruction in navigable rivers .. . . . . \$3,000

Mr. CLANCY. If my memory serves me well, some discussion took place in this House last session as to whether the removal of obstructions in rivers should come under the head of Public Works or Marine and Fisheries. Will the hon. gentleman say what service this \$3,000 is intended for? Of course, the amount is small.

The MINISTER OF MARINE AND FISHERIES. It is largely a nominal vote. Last year the expenditure was only \$453. It is only for emergencies.

Winter mail service .. . . . . \$6,000

Sir CHARLES TUPPER. Is the hon. Minister able to state what decision the Government have arrived at in connection with the service between Portland and St. John, N.B.? The hon. gentleman is aware that the late Government arrived at the conclusion