

of years but Mr. Macdonald still remained standing and claimed that as there was no motion before the House the division could not be taken. The yeas having been recorded. Mr. Speaker called upon the nays, but the members on the old Government side of the House refused, crying "We won't rise" "unparliamentary," "irregular," &c.

Mr. MACDONALD said the Speaker was simply the mouthpiece of the House.

The SPEAKER—I have the authority of your master for what I am doing.

Mr. MACDONALD—I have no master. (Hear, Hear.) There is no power on earth can lay a hand on me. I stand here to defend the rights of the House and I won't be put down whether you are in the chair with your cocked hat on or not (Cheers,) you can show no authority or precedent for what you are doing. This is the first time that such an appeal was ever made to the House. Sir, I was a speaker of the House and I know what is the law of parliament.

The SPEAKER again called on the nays to rise, and they again refused, and a scene of noise and tumult continued for some minutes, Mr. Macdonald claiming that the Speaker had no right to order the Clerk in a personal matter, until

Mr. CUMBERLAND rose and said he wished he could stay this unseemly tumult. He expressed his deep regret that the House at such a time should be found in such a state, and he hoped that the House would if necessary adjourn until the rights of the matter were decided. If the Speaker were right he was sure hon. members would without a single exception yield to his wish. (Hear, hear.) If on the other hand the privileges—(Cries from the Opposition.) After silence had been restored he said that he was trying to restrain the Legislature from an unseemly proceeding which would reduce its appreciation in the eyes of the public. If, as he said on the other hand, Mr. Speaker had not the privileges he claimed, no one, he was sure, would be more ready than himself to desire to follow the practice of Parliament.

The SPEAKER said he agreed with the very proper remarks of the hon. member, and it would be matter of deep regret to him to offend against precedent. It was the first time he had heard such a proceeding checked, and although he had no present recollection of any precedent he fully believed he was right. He was simply going to read from a paper published in the city certain remarks, and he was going to give them an emphatic denial; and he was in no sense going, in the slightest degree, to comment on the hon. gentleman who had spoken. His (Mr. Macdonald's) course had been that of one who was most anxious for the interests of the House and country, and he could be placed in no false position by any statement that he (the Speaker) could make. He would ask the hon. gentleman, as a courtesy, to permit him to read the article referred to.

Mr. MACDONALD again maintained that it was not the Speaker's privilege to refute any slanderous or libellous article addressed against him. The Speaker was merely the mouthpiece of the House, and the House had to take up his defence. If he attacked the Speaker, he (the Speaker) ought to remain quiet and the House should protect him. He could be expelled from the House if he was wrong. If the Speaker answered all personal charges he would be no longer in a position to decide upon the matter. When he himself was Speaker he had been assailed in the British House by J. S. Hogan, and the matter was brought before the House by a private member, and although the debate lasted three hours he himself was forced to remain silent. On that occasion it was the noble father of the hon. member for Essex (Prince) who, with the true feeling of a friend, had defended him, instead of, like the hon. gentleman, giving vent to his spite. If Mr. Speaker was unable to maintain order in the House, it was his duty to leave the chair, but he (Mr. McD.) hoped they would never see that day.

The SPEAKER said that, although not agreeing with the remarks of the hon. member, he would, if there was any doubt at all that this was not the proper tribunal, refrain from pressing the matter further, but would send communications to the public press. He had a recollection of a precedent for his conduct, but had not the authorities with him. The remarks he had intended to make would not in any way have reflected upon any hon. member.

Mr. PRINCE rose to reply to the remarks of the member for Cornwall. The SPEAKER begged him, as he himself had consented to sacrifice his own feelings, to do likewise. The matter then dropped.

PETITIONS. Several petitions were presented.

THE NEW MINISTRY. Mr. BLAKE said he had been charged with the duty of forming an administration, and he had proceeded to discharge that duty to a certain extent. He thought it more respectful to the House, and more calculated to meet the general convenience of the House, that the announcement should be made to-day. He could make that announcement himself; he had not undertaken any departmental office, and his seat was not therefore affected; however, he should resign his seat in order to give his constituents an opportunity of passing their verdict. Three departments had been arranged for. Mr. Mackenzie had accepted the office of Secretary and Registrar, Mr. McKellar the Commissionership of Agriculture and Public Works, and Mr. Crooks the Attorney-Generalship. As far as the departmental offices were concerned he had followed the example of the late Government, and should take the time necessary to form a Cabinet which should command the confidence of the people. In the present state of things he thought it necessary to say no more than that he thought it would be for the convenience of the House to proceed with the business of issuing the writs, then he should ask for a vote of credit before the adjournment to avoid any difficulty. A vote had been taken last year under somewhat similar circumstances. He was in the hands of

the House as to the length of time to elapse before taking that vote. He believed it was the wish of hon. members to get through this business and depart to their homes at once; of course that rested with the House, and its unanimous consent would be necessary. As it was a simple vote of credit, similar to that accorded on like occasions, he did not think there would be any objection to that course being taken. With these few observations, he begged to move that the writ be issued.

Hon. Mr. MACDONALD said that when he spoke of the probability of passing that vote he had supposed that the complete Ministry would be announced. He had not for a moment supposed that that strong party opposite would have found it impossible to fill all the five seats. He would venture to say that the announcement made by the hon. gentleman was highly unconstitutional. There were only three seats filled, yet the hon. gentleman had undertaken an office which enabled him to act as the mouthpiece of the Government. Surely there were other hon. members whom the hon. gentleman might have invited to join him; the hon. member for Essex, for one, would probably have no objection. They were now asked to break the rule of the House, and to adjourn before the Ministry was formed, and without any intimation of its policy. They were perfectly willing to give the hon. gentleman that time which he required, but the country had a right to know the policy which was proposed to be brought forward, and to know what course was to be adopted with respect to those questions on which hon. gentlemen had made such frantic appeals to the country against the late Ministry. There should be a policy brought forward; and he (Mr. Macdonald) when called upon to form a Government out of the House adverse to himself succeeded in doing so in the course of a day or two, and had not been afraid to bring forward their policy. The policy to be adopted should be announced before the separation of the House. He maintained that it was perfectly unconstitutional for them to advise His Excellency to take that step. He would lay down what he considered the constitutional law authorized. (The hon. gentleman read the first clause of the Confederation Act). He held that before any additional members of the Executive Council could be appointed, a law must be passed for that purpose, and no other view had been expressed by any person whose opinion was considered to have any weight. No authority existed on the part of the Lieut. Gov. to create any addition to the number except when authorized by special legislation. The hon. gentleman said that the Lieutenant Governor could appoint as many as he pleased. It was a capital *coup d'état* that the hon. gentleman should be able without any restriction to advise the Lieutenant Governor to take that step, and then come down to the House and expect its approval. The Confederation Act clearly required that there should be only five, and if more than that were required the permission of the House must first be obtained. What he wanted was that the Confederation Act should be carried out. Was it in order to strengthen their position that the hon. gentlemen were to give those seats and thus to increase their majority, or to gratify the pride of those who might seek the little attached to a seat in the Cabinet? Perhaps this last consideration would have some weight with the hon. member for Essex. Five members of the House had carried on the business of the Government satisfactorily for four years, and it was not necessary that any addition should be made to that number. The hon. gentleman who had introduced that innovation ought to have come down to the House boldly and stated his intention, not stealing a march in the way he had done. What were they to expect from hon. gentlemen if this was a specimen of their constitutional practice? If the late Government had thought it necessary to subdivide their labors, they would have come down and asked the House honestly to attach to the services of the additional member of the Government the proper salary. Did the hon. gentleman wish them to adopt the honorary system? He did not wish to hurry hon. gentlemen, for the country required the fullest explanation of their policy; but they were seeking to get the House adjourned without letting the country know anything about their policy. He said this was most unfair. He was not disappointed; he had expected nothing else. If the House was prepared to accept that course, it would be wanting in independence if they did not insist, before permitting the writs to be issued, that they should satisfy themselves as to the course to be taken. He had not known a similar case to the present where the Government were not prepared to come down and give some outline of their policy.

Hon. Mr. CAMERON said no factious opposition would be offered by him, but this proposal was the most startling he had ever heard, and emanating too from those who called themselves the Reform party. They now found hon. gentlemen advising His Excellency to create an outside office-bearer, as if the number of advisers of the Crown authorized by law was not sufficient.

Mr. BLAKE said how was it that four ministers had advised the speech to be sent down the other day. Mr. CAMERON said the hon. gentleman thought he had got a case; but the Government had then its full number of members and was fully qualified to send down that message. Was it possible that hon. gentlemen were so anxious after office that they were ready to enter the Cabinet without any declaration of policy. Hon. gentlemen were now asking unconstitutionally for a vote of credit without having the legal number of advisers of the Crown to advise the Lieut.-Governor. Was that the constitutional course which the country had a right to expect to be followed? The Government should have been prepared to show that they had a policy better adapted to the requirements of the country than that of their predecessors. The House would be quite ready to give the necessary vote, to let them have a week if required. If this system was to be adopted His Excellency might appoint every man in the

Hovse to advise him, and yet there might be no responsible Government. He could scarcely believe the hon. gentleman was serious in the proposition he had made, to thus take away from the Legislature its proper function. The House would perhaps be told that the matter was in the hands of the Reform party, which was so perfect that it could do nothing wrong. If hon. gentlemen opposite chose to accede, they would have no assistance from his side of the House, and the country would find out that the late Government were the true defenders of the rights of the people, and would not allow the constitution to be violated in that manner.

Mr. CUMBERLAND remarked on the fact that the hon. gentlemen had been only able to fill three seats of the Cabinet, notwithstanding the claims upon them of the hon. members for Welland, Lambton, Adironding, &c. They had got together at the beginning of a Cabinet and then came down to the House to ask a vote of credit. He thought the Cabinet was really formed, but that they were afraid to avow it.

Mr. PRINCE said he was not prepared to say whether the course now proposed was constitutional. He thought the hon. member for Algoma was premature in reference to a subject not now before the House. Terms had been applied to which he thought were not in accordance with the practice of the House. Mr. Prince continued his remarks in a style which rendered it necessary for the SPEAKER to call him to order, who then promptly took his seat.

Mr. CLARKE said it was remarkable that three objections on constitutional grounds had been brought against the steps taken by the hon. member for South Bruce, who had brought forward no precedent whatever for the course he had adopted. It appeared to him an extraordinary thing that a new ministry should confess itself unable to carry on the Government without an increase on the number of ministers which had been sufficient for the late Government. He thought the step had originated with the individual necessities of the new ministry, not with the requirements of the country. (Hear, hear.)

Mr. BOULTBEE apprehended that the hon. member for South Bruce had not stated that he should ask for a vote of credit before placing the complete Ministry before the House.

Hon. Mr. CURRIE had always understood that it was the prerogative of the representative of the Crown to call upon such persons as from time to time he should think fit, not being less than five responsible Ministers. His hon. friend would hold a position bearing no emolument. He would like to hear the constitutional question argued. The hon. gentleman had said that not more than five gentlemen could form the Government.

Hon. Mr. CAMERON said he had not said so. He had said that His Excellency was authorized to increase the number of his advisers in an unconstitutional manner.

Hon. Mr. RICHARDS thought it perfectly clear that the full Cabinet should be declared to the House before supply should be asked for. If the hon. gentleman asked for time to complete his arrangements there would be no objection, and it was the hon. gentleman's duty to have come down and asked for an adjournment to the following day, but it was highly unconstitutional to ask for any lengthened adjournment or for a vote of credit. It was evident that some difficulty had been met with in forming the new Government, which was very inconsistent with the arrogant language formerly used by that party.

Mr. BLAKE was not prepared in the slightest degree to accede to the arguments he had heard urged. He believed that British Government's had taken the course which he had followed, and that he had the precedent of the late Ministry.

Hon. Mr. MACDONALD said the House was not in Session at the time referred to.

Mr. BLAKE said several days then elapsed before the cabinet was complete and he could see nothing unconstitutional in doing the same now. He was anxious to do what was most consonant with the wishes of the House. If it was the pleasure of the House to adjourn from day to day until his arrangements were completed he would be quite pleased, but hon. gentlemen would not succeed in hurrying him. He had been called in at half-past four the previous day, and it was possible everything might be arranged to-morrow. He did not think he was doing anything unreasonable in asking for what time he thought necessary. He had told the House how far he had got, but he could not say at what time he would be able to announce the completion of the administration, and it would be for the House to decide what course it would take with reference to the business now before the House was the issuing of this writ; afterwards he should ask for supply. He would continue his efforts to complete the task he had undertaken, and just as long as the House preferred to wait, he would be satisfied that it should wait, having no wish to do anything not in accordance with its wishes. The practice of appointing additional advisers of the Crown was in accordance with the custom in the Maritime Provinces.

Hon. Mr. MACDONALD reminded him that was under a different constitution. Mr. BLAKE said that it was under a constitution framed on the same model as that of this Province, the model of the British constitution. He believed it to be a legal and constitutional principle that His Excellency could appoint such members of the Cabinet without the consent of the House.

Hon. Mr. MACDONALD—Not executive councillors.

Mr. BLAKE continued—He had treated the House with the utmost frankness. The vote of supply which he should have to propose would be for a small amount necessary to carry on the public service, and would be accounted for at the earliest moment and placed in the general estimates. Hon. gentlemen had asked for such a vote last year and got it at once; if it was not given the House the

LEGISLATURE OF ONTARIO.

Second Parliament—First Session.

WEDNESDAY, 20th Dec.

The SPEAKER took the chair at 3:10.

ALEXIS.

The SPEAKER announced that the Grand Duke Alexis would arrive in this city, that it was contemplated to give him a reception at the Government House, and that he had been deputed by Mrs. Howland to invite members of this House, with their wives and families, to meet His Royal Highness, at half-past nine to-morrow evening, in the drawing room.

PRIVILEGE OF PARLIAMENT.

The SPEAKER said that he had been assailed in the public press and that notice could be taken in this chamber when any hon. member was attacked.

Hon. J. S. MACDONALD rose to speak.

Mr. SPEAKER called order. Mr. MACDONALD—I have the right to speak. (Cries of "chair, chair.") Hon. gentlemen may cry "chair" as long as they please. I know my duty. This is a matter personal to Mr. Speaker, and he has no right to lay it before the House. (Hear, hear.)

Mr. SPEAKER—I am only going to read the paper, and do not intend making any comments.

ATTY.-GEN. MACDONALD—The Speaker speaks for the House, and has no right to speak for himself. (Cries "chair," "sit down," &c.) I am not going to be put down in this House, and will not sit down till I am heard.

The greatest uproar ensued. Mr. Macdonald and the Speaker talking at once at each other, while the members of the Opposition kept up a rattling of desk-lids which rendered everything inaudible.

The SPEAKER said if he was not supported by the House he would resign.

Mr. MACDONALD—You can't put me down. I have been Speaker, and I know what I am doing. I lay it down as a broad rule that the Speaker cannot bring his personal grievances before the House.

Mr. PARDEE said the hon. member for Cornwall had not waited to see what the Speaker was going to read.

Mr. MACDONALD—I know what he is going to read—

Mr. PRINCE—Chair! chair!! chair!!! The SPEAKER said he would pledge his honor as a gentleman that he did not intend to say one word that would reflect on any hon. member of the House.

Mr. MACDONALD said that if any hon. member wished to bring the matter before the House he would not object, but the Speaker himself had no right to do so, as it a matter personal to himself. (Cries of Chair, Chair, during which Mr. Macdonald remained standing.)

The SPEAKER said that he would ask the House whether or not the Speaker had a right to defend himself, and ordered the clerk to call for the yeas and nays.

Mr. PRINCE rose, and loudly objected to the action of Mr. Macdonald.

Mr. MACDONALD said such a thing as the speaker defending himself had never been known.

Mr. SPEAKER again ordered the clerk to take the yeas and nays. The members of the Opposition benches rose to the call