

agree among themselves as to the length of time that the matter should remain in the hands of the Government, and had not been able to show that the public service had suffered, or that any one had complained in reference to this solitary case of Prince Edward. The member for South Simcoe was a member of Sir John Macdonald's Government, which reduced matters of this kind to a system. The practice of this Government was in general unusually prompt, and was far different in that respect from the practice of the previous Government or of that of Sir John Macdonald.

The House then divided, and the amendment to the amendment was lost. Yeas, 24; Nays, 45.

YEAS.—Messrs Barr, Boniter, Coutts, Creighton, Fletcher, Graham (Frontenac), Hawkin, Kean, Lauder, Long, McDougall (Middlesex), Macdonald (Simcoe), McGowan, Meredith, Merrick, Mostyn, Preston, Richardson, Rosevear, Scott, Snelinger, Tooley, Wigle Willis.—24

NAYS.—Messrs Appleby, Ballantyne, Bethune, Bishop, Brown, Chisholm, Clarke (Norfolk), Clarke (Wellington), Crooks, Currie, Dawson, Deroche, Ferris, Finlayson, Fraser, Gibson, Gow, Graham (Lambton), Grange, Grant, Hardy, Hargrave, Hay, Hodgins, Hunter, Lane, Lyon, McCasney, McLeod, McMahon, Monk, Mowat, Pardee, Patterson (Essex), Paxton, Robinson, Ross, Saxton, Sinclair, Striker, Watterworth, Widdfield, Williams, Wilson, Wood.—45.

Mr. Broder, for the motion, paired with Mr. Haney against.

The amendment was lost and the third reading carried on the same division.

The Bill was then read the third time and passed.

#### PERMANENT BUILDING SOCIETIES.

On the motion of Mr. MOWAT, the Bill to make further provision respecting Permanent Building Societies was read the third time and passed.

It being six o'clock the Speaker left the chair.

After recess,

#### THE LEGISLATIVE ASSEMBLY.

On motion of Mr. MOWAT, the House went into Committee on the Bill respecting the Legislative Assembly.

Objection being taken to the clause declaring that a member expelled the House for disgraceful conduct shall be disqualified for the remainder of the then existing Legislature.

Mr. MOWAT said the Bill was framed for the protection of the whole body of the people. With regard to the particular clause complained of, he would observe that for taking even one dollar out of the House a man was disqualified for eight years, yet they found hon. members objecting to a clause disqualifying for one Assembly a member who inside the House accepted £1,000. He thought the parity of the House would demand even stronger provisions than were found in the Bill. Power was always liable to abuse, and always would be, but that was no reason why power should not be conferred.

Mr. MEREDITH said that what he objected to was that a bare majority of this Legislature should have the power of visiting a member with the penalties of the Act. The reason which had been assigned for the change in the law whereby contravened election cases were brought before the Courts instead of before Committees of the House was that Committees were likely to be of a partizan character, and the same reason should prevent the powers he had mentioned being conferred upon the House.

Mr. HODGINS thought that the Attorney-General should leave the question of disqualification to the Courts, for the House would then have the power of expulsion if they chose to exercise it.

Mr. LAUDER thought the power of appealing to the people after expulsion should be left to members.

Mr. MACDOUGALL said he had objected to the constitutionality of this whole measure, and the changes made by the Attorney-General did not remove his objection that the Bill sought to clothe the House with the powers of a Court. He particularly objected to the cumulative penalties which were imposed by the clause which the hon. member for London sought to amend. It was unparalleled in the history of any country except in the cases of Wilkes and Wm. Lyon Mackenzie, and the first had been declared unconstitutional, while those who had taken the position in the second had afterwards withdrawn from it. Even the House of Commons in England, with all the privileges and powers conferred upon it in olden times, it had been held had not the power to bring persons to its bar and punish them for libel. The House of Commons had so declared by

its own discussions, yet the Bill sought to confer these extraordinary powers upon the Legislative Assembly of Ontario. If the libel was one against the House as a body, there might be some justification for such a provision, but as he understood the wording of the Bill the provision was directed against libels upon individual members. Gentlemen who claimed to be the particular advocates of popular liberty as opposed to arbitrary power, were found bringing in a Bill which was unexampled in the history of any country for the arbitrary spirit which pervaded it. Instead of looking to the precedents of the past, which were generally referred to as a justification for matters of legislation, the Government seemed to be going to French Conventions and Republican tribunals, where the most arbitrary deeds were done and the greatest crimes committed under the name of liberty. (Laughter.) It might happen that if a member made himself obnoxious to the Government they might very easily suborn another member to make a charge against him which would unjustly bring about his expulsion from the House, thus disgracing him and losing his assistance in the House. He cited a judgment which had been given some time ago in New Brunswick, in which it was held that the Local Assemblies should only have such powers as were essential to a due discharge of its duties and not those of a Parliament. He intended on concurrence to move an amendment by which the penal provisions of the Bill could only be enforced by a two-thirds vote of the House. The tendency of this Bill would be to demoralize the public mind and weaken the influence of the House, for no matter how clearly a member was found guilty of the misdemeanours mentioned in the Act, the people would regard it as a political matter, and would surround the expelled member with the halo of glory.

Mr. MOWAT said when a Government which the hon. member for South Simcoe had in the past very often declared was a most corrupt one was in power they had only exercised their privilege of expulsion on two occasions, both of them being with the unanimous, or the nearly unanimous, approval of the House. This went to show that the abuse of power of which the honourable member was afraid was not at all likely to take place. The great mistake which the hon. member had made was that he confounded the inherent powers of the Colonial Assemblies with those which it was expedient they should possess, and which they had the right to take to themselves the same as they had to confer them upon a court outside of the House. No one claimed that these bodies inherently possessed these powers, but it was just as necessary that this Legislature should possess them, as for the House of Commons of England, the House of Commons of Canada, or the Assembly of the Province of Quebec, to possess them. The fact that the hon. member had to go away back to English history to the time of Wilkes, and in Canadian history to the time of Wm. Lyon Mackenzie, to find that these powers had been abused, showed the whole nature of the objections which he was raising to the Bill. The foundation of the provisions of the Bill was, that the Legislature, in its public capacity as a deliberative body, should see to it that its efficiency in the discharge of its duties should not be interfered with in a way unfavourable to the interests of the public. The honourable member had referred to the impropriety of the House taking cognizance of cases of libel, yet the business of the House had been delayed by the hon. member on one occasion with regard to a case of alleged libel until he had been corrected by the hon. member for West Eglis, who had shown him that it was a matter with which the House had not the power to deal. He had stated that the Bill was an unprecedented measure, yet if he (Mr. Mowat) was not mistaken the hon. member had found fault with the Bill because it was an exact copy of the Quebec Act. The Bill conferred far less power upon the House than was sought by Mr. Sandfield Macdonald's measure, far less than those powers enjoyed by the Houses of Commons both of England and Canada, and far less than those powers and privileges which the Colonial Legislatures claimed to have.

Mr. CREIGHTON disapproved strongly of the plan by which in the Bill it was sought to punish members found guilty of accepting money for their services. If justice could not be obtained in the trial of election cases by committees of the House, it was just as unlikely that justice would be given by a par-