

51. I think when you and I were looking through the Index to the Journals of the House of Commons the other day, while there were innumerable instances of papers presented "by command," there were none of papers presented "by leave," according to the system we have here?—I have looked since, and can find no instance of a paper presented "by leave."

52. Can you tell me when this system grew up of presenting "by leave" instead of the English form "by command"?—I have referred to the Journals twenty years back; it was then very rarely done; the first case was in 1871 when the Hon. Mr. Fox presented a paper "by leave."

53. What was the nature of the paper: was it of large importance?—No, I should say not; it is relative to a charge made against a former Speaker of having put back the House clock.

54. Was Mr. Fox in the Ministry then?—Yes. Then, there is another case in 1872 when the Hon. Mr. Fox presented, "by leave," a report on the operation of the Prohibiting Liquor Law in Canada. There is another case when the Hon. Mr. Vogel, "by leave," presented papers relative to the settlement of accounts between the provinces and the General Government. The practice was not then so common as it has since become.

55. *Hon. Sir J. Hall.*] Do you remember the case of a paper from Sir Hercules Robinson, in 1879, commenting on something Sir George Grey said in connection with the change of Government? Do you remember whether the leave given was to read the paper or to lay it on the table?

*Hon. Mr. Hislop:* It was "to read it."

56. *Hon. Mr. Ballance.*] Are these the earliest cases?—That is the earliest case "by leave of the House," in 1871. Previously to that they were "by command" or "by order of the House" laid on the table.

57. *The Chairman.*] Who was the Speaker that year, Sir David Monro or Sir Dillon Bell?—Sir Dillon Bell was, I think, elected that year.

58. *Mr. Walker.*] Mr. Hislop asked you whether it did not make a considerable difference whether this particular matter were settled, that is, passed: in what sense can we find this as referring to passed transactions?—It would make this difference: as between the matter that would be under debate—that would be a matter that was not settled—and a matter that was wholly concluded and decided.

59. Who is to decide: What I wish to ask to ask is, whether we restrain ourselves by rule as regards debates in the present session? If we are not allowed to question or refer to debates taking place during the present session, for good reason, is it likely that, as regards the Crown, we should be less strict on this particular point than we are to ourselves?—That is rather an inference that might be drawn from the question I was asked.

*Mr. Walker:* We protect ourselves as regards the present session.

*An Hon. Member.* The object of that would appear to be to prevent acrimony in debate.

60. *Mr. Walker.*] I think you have said that you cannot find any reference to a breach of that rule?—You mean to a previous debate in the same session: I do not think Mr. Hislop's question touches that at all.

61. Will you look into this matter a little more?—Yes.

Hon. E. MITCHELSON, Minister for Public Works and Native Affairs, in attendance and examined.

62. *The Chairman.*] Will you inform the Committee whether this communication from Mr. Macdonald was made upon invitation of the Government or of his own notion?—It was made upon invitation by the Government, after hearing a statement made by Mr. Hamlin in the House which I thought reflected on an officer in the public service. I requested Mr. Macdonald, as soon as *Hansard* appeared, to peruse that statement, and to write for me a statement in reply. This paper was the reply to Mr. Hamlin; but I must say that the speech, as it appeared in *Hansard*, as far as my recollection goes, does not coincide with the speech as uttered. I may say that I have made application for a proof to be laid before this Committee, but I have been unable to obtain one. I think that if what was stated by Mr. Hamlin were true the Government would be failing in its duty if it retained Mr. Macdonald any longer in the public service.

63. Was the speech as it appeared in *Hansard* very much modified?—Yes; I think it was considerably modified.

64. *Mr. W. D. Stewart.*] Is there any report in the Press of what he said?—No.

65. It is only your recollection from which you speak?—My own recollection, and that of others.

66. *The Chairman.*] Did it occur to you when presenting this paper to the House that you were infringing one of its privileges?—No; on the contrary, I thought it was the proper thing to do. Had I thought it was a breach of privilege I would not have done it; not if I had the slightest conception that it was such. I might say that, before laying the paper on the table, I sent it to the Attorney-General who perused it and assented, and also laid a copy of it on the table of the Legislative Council.

67. He did not draw your attention to any risk of its being a breach of privilege?—No; nor did it occur to myself.

68. I presume the only object was to vindicate the character of one of your officers?—That was the only object. I might also say that, not only was I not aware of it being a breach of the privileges of the House, but I consulted myself as to whether I should read the paper.

*The Chairman:* You asked me whether, in presenting the paper, you would be at liberty to read it. I said "No." I stated that the proper course was, when you presented it, to move that it be read by the Clerk. The Clerk's reading the paper would not put it in *Hansard*. I had no idea of the nature of the contents of the paper.

*Hon. Sir John Hall:* Nor would it go into the Journals if the Clerk read it.