

THE ELECTION CASES.

Continuing, Mr. Gibson said: "Much has been said about inaction of the Attorney-General's department in connection with the West Elgin and North Waterloo cases. As was stated the other day, the report of the commissioners in the former case, and of the election trial Judges in the latter case, has been submitted to the House since the commencement of the present session, and it was not likely that these matters would be taken up to be dealt with during the session. But fault is found because the Attorney-General did not initiate prosecutions. The answer is: When does the Attorney-General initiate prosecutions? There is local machinery for the purpose of prosecuting—County Attorneys, Police Magistrates, Magistrates, policemen and constables. Practically all informations and complaints are initiated in the locality. That is the rule, and that is what the machinery is for. In cases of murder, felony, forgery, theft and such like, the person injured lays the information, or someone for him, or possibly the constable or County Attorney in the particular locality, but not the Attorney-General and his Toronto departmental officers. The whole scheme and intention of our system of administration of justice is that these things should be worked out on the spot and in the locality, and if the Attorney-General or his deputy personally intervenes at all, it is at the request of the County Attorney, or for some other particular reason. And if this be so in the ordinary administration of justice, there is still greater reason why it should be so in the case of political offences or violations of the election laws. In these cases the usual procedure should be followed, without reference to the political head of a department of the Government happening to be in power, and whose motives might and certainly would be misconstrued, and whose action would certainly be characterized by one party or the other as partizan or partial, and in the interest of his own political party.

WEST ELGIN.

"Was the course taken by the Government the reasonable and natural course? The election in West Elgin, at which the irregularities which are complained of took place, was held in the early part of the year 1899. An election petition was filed and was pending, and it was reasonable, notwithstanding the rumors of irregularities having occurred, that the trial should be allowed to take place before any other action was taken, so that it might be seen what disclosures would come to light, and what light would be thrown on the charges. Besides, there had been prosecutions instituted against the only men who were or could be identified, and the County Attorney had been instructed to assist in the prosecution of these men.

A PRINCIPLE OF LAW.

"It is a well-known principle of law that there should not be two prosecutions for the same offence, and the objection to prosecutions from two different sources is even stronger. In the case of the prosecutions which had already been begun, if the department had assumed to interfere to the extent of taking any of these prosecutions out of the hands of the private prosecutors there certainly would have been an outcry raised that we were taking it out of their hands for the purpose of sheltering the offenders. The County Attorney was acting and was instructed to do so by the department. He was advised from time to time by the department, and there was nothing further for the department to do in