

it impossible to know in advance how widely or how strictly these words will be construed. Taking them in their natural significance, it seems to me there might be a great deal of doubt whether they bear the wide construction the Minister of Justice puts on them. What do you aim at in an investigation of this kind? Do you desire merely to ascertain and report to the country the tool who has marked the ballot, or transferred the ballot, or altered the ballot, or stolen the ballot? I should not suppose that that was the intention of an investigation of this kind. I should suppose you would desire to inquire to any extent necessary in order to get at the real criminal, to go as far back as might be deemed necessary by the commissioners in the line of agency by which any such thing as that had been accomplished. For example, the agency may have been handed down through a dozen different hands, there may have been connivance or collusion, even where there was no positive direction. In regard to these matters, I should think it would be wise to grant to the commissioners power to be exercised by them in their discretion to enter into an inquiry of that kind, and not tie them down by any language found here.

—to inquire into and investigate any alleged fraudulent alteration, defacing, marking, spoiling, substitution or tampering in respect of election ballots, or by reason of—

These last words are meaningless, and, I believe, they are to be left out.

—any fraudulent conduct in respect of the poll books, ballot boxes, or the lawful contents, or what should have been the lawful contents, of the ballot boxes.

These words do not, in their natural signification, enable the judges to go back and deal with a person who is indirectly implicated who has helped to bring about the evil complained of, who has connived at the bringing of this about or who has colluded with the persons who have brought it about. That is a matter with respect to which there should be no possible objection on the part of the government to make the scope of the commission as wide as possible. We do not wish to have the time of the commission taken up in discussing the question of its scope, we do not desire that the money of this country should be spent in having counsel to argue before the commission and in having the commission consider whether the scope is sufficiently wide to embrace matters of that kind. Would it not be far better to make the scope so wide that there could be no possible justification on the part of the commissioners to hold, or on the part of counsel to contend that matters of that kind were not within the inquiry.

In the next place, the Minister of Justice has thought it unnecessary to make any change with respect to the appointment of counsel. Well, so far as the appointment of counsel is concerned, I do not propose to say anything.

It may be wise, as he thinks, that counsel should be appointed by the commission. But, one matter that my hon. friend the leader of the opposition dealt with has not been touched upon by the Minister of Justice, I think; and on that point I think I can appeal with a great deal of force to my hon. friend the Solicitor General. When you come to deal with the practical carrying out of an inquiry and investigation of this kind, there must be a previous investigation of the facts and inquiry into the evidence. There must be work that is usually done by solicitors. If you are to have your investigation, conducted by counsel before the commission, an effective one, you cannot expect those counsel to conduct a proper inquiry unless there is work done in the first place which is usually done by solicitors in an investigation before a judicial tribunal. Now, you appoint counsel of high standing. Do you expect that these counsel are to go into a constituency and drive around the country, interview witnesses, interview persons who are said to have knowledge of these matters, and do all the work which is usually done by a local solicitor? I should think you would probably be disappointed, and the resolution which I will read in a moment suggests that in respect to matters of that kind some provision should be made for doing the work which is usually done by solicitors. I will not dwell on that because I desire to make my statement extremely brief.

Another point that the minister has dealt with, is the question whether witnesses before that commission should be permitted to testify as to how they marked their ballots, and the Minister of Justice has devoted a considerable portion of his memorandum to that matter. Now, the Minister of Justice has referred to the introduction of the present Ballot Act into parliament by the late chief justice of the province of Quebec, and he has said that at that time it was intended by him, on grounds of public policy, to have parliament so to legislate that the ballot could not under any circumstances, for the purpose of ascertaining by whom it was marked, be inquired into in a court of justice. Well, I am assuming, I do not know whether I am correct, that the Ballot Act in its present form is in the form in which it was then introduced. At all events, that it is material for us to consider, not the form in which it was introduced, but the form in which it exists at present; and the form in which it exists at present does not seem to carry out the suggestion of the Minister of Justice. It is not in every case that you are not to investigate, but only in certain cases:

No person who has voted at an election shall in any legal proceeding questioning the election or return, be required to state for whom he voted.

But the Minister of Justice says that the policy of the Act is that he 'could