

I think that any person who may, from time to time, be called to this Bar, may trust to the exercise of our authority for his protection against undue advantage being taken of the answers he may give. In this instance, every member of this House may decide as to whether this question might be put or not, having in view the just exercise of the authority of this House to prevent any person whatever, whether he be a shorthand writer of the House or clerk of the House or persons present by courtesy to listen to its debates, from testifying hereafter against the person at the bar as to the answers given in the House; and in that respect, the person who stands at the Bar may have the same privilege against the improper use of answers being made against him, as a member of this House is in relation to any remarks he may make in Parliament on any question that may come before it. It is true, there is an authority cited to the effect that, out of consideration and compassion for persons called to the Bar of the House, the House, through its Speaker, occasionally cautions the person that he is not bound to answer questions tending to criminate him. I answer, that that authority applies to questions which may tend to make him liable to accusations or disabilities collateral to those which are the subject of immediate enquiry. For instance, Mr. Dunn, if he were questioned with regard to other matters than the mere question of return, would be entitled to claim privilege on the ground that his answer might subject him to penalties, irrespective of those which attach to the particular offence with which he is charged. I understand the authority cited to be that, with that limitation, questions may be put. The counsel has objected that it is not proper to ask the witness whether the printed paper submitted to him is a true copy of the documents which passed through his hands, namely, the writ and the return thereto. The objection is that it will be impossible for the witness to answer that question fully without comparing the printed documents with the originals. I think that is a question entirely for the witness himself to decide. It is not an objection to come from the counsel that the witness may or may not be able to answer the question, because, if he is not, he can say so.

Mr. WELDON. I agree with the view taken by the hon. gentleman on the first objection. With regard to the second, if Mr. Dunn cannot answer the question, we must have the originals produced. They are supposed to be on the Table, and it ought to be an easy matter to produce them. If the originals be produced, then I will put the question whether they are the originals, and whether the copies are correct. I framed the question in the way I did because I thought this gentleman would be prepared to answer any question with regard to any paper that he had transmitted to the Clerk of the Crown in Chancery.

Mr. SPEAKER. You are ordered to answer.

Mr. DUNN. Not having the original written instructions and my correspondence with the Clerk of the Crown in Chancery and my return, I am unable to say that these are, word for word, copies of those returns, &c., but so far as I am able to recollect, I believe they are of the same substance. I believe they are correct, so far as I can recollect.

Mr. HESSON. The gentleman at the Bar has a right to have notice of the question put to him, so that he would, in this case, be in a position to know whether these papers were exact copies or not. Now, we have arrived at the very position I anticipated we would be in. The gentleman at the Bar is unable to give you the evidence you want, because he has not had an opportunity of comparing this with the original papers. Those papers are in the hands of the House, not in his hands. He should have been put in a position by those who are pressing this case, to compare these papers and to answer these questions.

Mr. WELDON (St. John). If we went on in that way in the courts of law, we would be in a very nice position. What I did was with a view to expedite the proceedings. If the hon. member for Perth (Mr. Hesson) persists, I will have the originals produced. I think I have a right to send for them, and then we will see if the witness will not identify them.

Mr. CHAPLEAU. He has answered that satisfactorily.

Mr. WELDON (St. John). I do not suppose that the witness at the Bar, who has been here for some days, since he notified the Speaker that he was in attendance, has been so negligent as not to have examined these papers.

Mr. TUPPER (Pictou). You would not expect any other answer?

Mr. WELDON (St. John). As far as his answer is concerned, I am satisfied with that. I am answering the objection of the hon. member for Perth (Mr. Hesson); and if any such objection is to be raised in that way, I will have the originals placed in the hands of the witness, for I do not want any objection to be raised afterwards on technical grounds. The next question I propose to put is the following:—"Look at No. 9, Votes and Proceedings now shown to you. Is the report of the proceedings of the election set out at pages 73 to 78, inclusive, signed by your election clerk, a correct statement of the proceedings of the election, and are the statements on pages 79 and 80 correct copies of the statements of the returning officers?" I would like to have the original produced.

Mr. BLAKE. They are on the Table technically.

Mr. CHAPLEAU. All those papers are before us.

Mr. MITCHELL. Let them be put in the hands of the witness and let him examine them and have the answers satisfactory.

Mr. CHAPLEAU. There is no necessity for that.

Mr. WELDON (St. John). If there is any objection I ask to have the originals placed in his hands.

Motion agreed to.

Mr. DUNN. My answer to the last question will about reply to this question also.

Mr. COURSOL. Answer that one first.

Mr. SPEAKER. Please repeat in words your last answer.

Mr. DUNN. That so far as I know these are correct copies, I believe them to be correct.

Mr. WELDON (St. John). I now propose to ask: "When were you first informed of the objection as to the deposit or that it would be taken? By whom, and how long prior to the 5th March?"

Motion agreed to.

Mr. DUNN. The first information I got that any objection as to the paying of the deposit was to be made was from the newspaper. The 5th of March was on Saturday, and it was some time in the beginning of that week that I saw the editorial in the newspaper—the *Sun*, I think—stating that the agent of Mr. Baird was thinking of making objections to the nomination paper on account of the deposit being wrongly made.

Mr. WELDON (St. John). I propose to ask the following question: "Did you not state at the time of declaration that you had obtained law books from Mr. Currey, and looked into the question? When did you do that?"