

questions to be read by the Speaker, but, with that exception, they are allowed to be put by a member. Then, if the question is objected to, or any difference arises, the motion is put to the House by the Speaker. In Committee of the Whole House any member may, as a matter of right, and not as a matter of convenience, put a question directly to the witness. Then May goes on to say :

"Where counsel are engaged, the examination of witnesses is mainly conducted by them, subject to the interposition of questions by members."

Mr. EDGAR. That is by counsel for the House.

Mr. THOMPSON. Does the hon. gentleman mean that the House would engage counsel against a witness appearing at its Bar? Surely the hon. gentleman does not mean that counsel should be allowed on one side and not on the other? I need not say anything more on that point. The whole practice of hearing and allowing counsel to intervene in the examination of a witness is distinctly recognised by English practice, and I put to the calm judgment of the House this proposition: that, whatever the form may be by which we resolve to hear the examination, this man at the Bar is here in a position altogether different from that of a witness. The motion made by the hon. member for St. John (Mr. Weldon) was merely to fix a day for him to come. In so far as the hon. member for Ontario West (Mr. Edgar) has referred to the language of that motion, it indicates that we are to examine him; but it was founded on the report of the Committee on Privileges and Elections, and hon. gentlemen opposite will find, if they read the language, that it indicates that he was to be summoned here (and he has come to Ottawa in obedience to that summons), to answer for his conduct in returning as elected a candidate who did not receive a majority of the votes cast at such election. What right and what authority have we to summon anyone to our Bar except for a breach of the privileges of the House for which the individual is amenable to punishment. This man, therefore, stands not in the position of a witness, but in the position of a person charged with a contempt against this House, and he is here to-day to answer not only our interrogatories, but to answer with respect to his conduct in the very words of the report of the committee, of having committed what appeared to be a contempt of the privileges of this House. It is true that when he came to the Bar he merely made the request that counsel be heard to argue the question as to the right of the House to proceed further with this business. He fancied that was a question of law. So far I agree with hon. members who have spoken on the other side of the House, that it is a point of law not well taken; but surely hon. gentlemen on both sides are willing to hear before deciding, and that is all the person appearing at the Bar has asked. Admitting that, the opinion of both sides of the House is, as I fancy it is, against his view of the House having no legal right to proceed further, the least we can do before pronouncing judgment is to say that we will hear this man and counsel who can argue the case for him, he being a layman; and as the Secretary of State said, the reason why he should be heard now is because, although there was a resolution that called him to the House, he had no opportunity of raising the question previously, and this House could not in fairness and justice, say that because we had the matter up and decided it yesterday or the day before, it is not convenient for you now to raise it, although your whole defence may rest upon it. If this point is not well taken we, at least, are not wasting time by complying with the forms of justice and hearing him before he is condemned. The reason why I made the motion that counsel be heard on all legal points which might arise, is simply this: It would be inconvenient to put a separate motion on each legal question. He comes to the Bar, and states what he thinks is a legal point in his favor. He asks that counsel be heard on that point—al-

though my opinion is against him on that, I move that counsel be heard on all legal questions which may arise during the examination. It is too late after the trial is over to allow a man counsel, because the legal points are only those which he or counsel instructed by him can suggest. When the question is put to the House whether this question or the next question be put, who is to say nay? Why should we say nay? We are not instructed as to the defence; we do not know what legal questions arise. Why should we refuse permission to any question which an hon. member may please to ask? But if this man has counsel instructed in the details of his case, having made it a study and knowing what the legal defence is, if he has a legal defence, it is for that counsel to rise and argue that such a question should not be put to the witness, the reason for which he may state to the House, and it may be a reason which no member of the House may know. So, as an hon. friend beside me suggests, in relation to the whole proceeding and in relation to each question, it is nothing more than allowing him to raise legal questions, if he has them, and present them by word of mouth in the nature of a demurrer, and these points we will be ready to decide on the spot. Surely we will be observing better the forms of justice, and there will be less probability of doing wrong, and depriving him of any legal rights, if we hear him fully, and we can only hear him fully in his defence by allowing him a person who is capable of arguing the legal questions which may arise touching his defence. Now, the hon. member for East Hastings (Mr. Burdett) suggested that one reason why counsel ought to be heard was, that there were other criminals as well as the one who appears at the Bar. Surely the hon. gentleman does not object to his having counsel under these circumstances. He has already had an indication that gentlemen on this side cannot be very deeply implicated in the crime, when they propose that the case shall be fully heard, instead of being heard after the trial is over, as has been suggested. I would suggest again that the person at the Bar is in the position of a person charged with an offence, and he should, at least, when questions are put to him, have counsel to say whether the questions should be put, and to argue as to any legal questions which may occur.

Mr. EDGAR. With reference to the quotation which the hon. gentleman made, I am not surprised that he dropped the book very suddenly, because if he had gone on he would have found that May does not at all sustain his contention that witnesses examined by the House are assisted by counsel.

Mr. THOMPSON. I read every word bearing on the subject.

Mr. EDGAR. The hon. gentleman did not read the following words:—

"Where counsel are engaged the examination of witnesses is mainly conducted by them,—"

Mr. THOMPSON. Certainly.

Mr. EDGAR.

"—subject to the interposition of questions by members."

Now, how can counsel for the witness conduct the examination for the witness? Therefore, May does not show anywhere that the contention of the Minister of Justice is correct, else that gentleman, who is famous for his research, if he is famous for anything, would have found it if it was in the book. One reason why witnesses, when before the Bar of the House, are not allowed to be assisted by counsel in answering questions, is this: That if counsel is allowed, instead of the witness, to discuss each question, we will be in a perpetual wrangle with the counsel. Each member will have the right to discuss every question with the prisoner,—