

ELECTION FRAUDS—JUDICIAL INQUIRY.

Sir CHARLES TUPPER (Cape Breton). Before the Orders of the Day are called, I would say I understood that the Prime Minister would give us to-day an explanation with respect to the proposed commission.

The PRIME MINISTER (Sir Wilfrid Laurier). I was just rising for that purpose when my hon. friend rose. I do not know that I can better convey to the House information with regard to this commission than by reading the order in council on the subject :

On a memorandum dated June 2, 1900, from the Minister of Justice submitting that whereas allegations have been made that during and for several years prior and subsequent to the general elections of 1896 for the election of members to the House of Commons of Canada, frauds were committed by returning officers, deputy returning officers, or other parties, in several of the electoral districts either while the votes were being polled or thereafter by the spoiling of the ballots marked by the electors, or by the fraudulent substitution of other ballots for those so marked, or by other fraudulent conduct in respect of the ballots at any time before and up to the return of the writ, and it being most desirable that all such alleged frauds should be investigated, and the recurrence thereof, if any, prevented, to the end that the return may show the actual vote by the electors who vote in each electoral district :

And whereas, it is desirable to appoint a commission with full power to make inquiry, investigation, report and recommendations as hereinafter set forth :

Therefore, the minister recommends that under the provisions of chapter 114 of the Revised Statutes of Canada, entitled 'An Act respecting inquiries concerning public matters,' the Hon. Sir John Alexander Boyd, Knight Bachelor and president of the Supreme Court of Judicature for Ontario, Chancellor of the province of Ontario (to be chairman), the Hon. William Glenholme Falconbridge, one of Her Majesty's judges of the said Supreme Court, and a member of the Queen's Bench Division of the High Court of Justice for Ontario, and His Honour Duncan B. MacTavish, judge of the County Court of the county of Carleton, be appointed commissioners under the said Act in respect of the election of members for the House of Commons of Canada, to inquire into and investigate any alleged fraudulent alteration, defacing, marking, spoiling, substitution or tampering in respect of election ballots, or by reason of 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, whether by way of fraudulent alteration, addition, withdrawal or otherwise, during and until the close of the election, and until the return to the Clerk of the Crown in Chancery :

That the said commissioners have power to hold such inquiry and investigation in every case in which they consider reasonable grounds have, in their opinion, been shown to them for holding the same;

That the Clerk of the Crown in Chancery do produce before the commissioners all poll books, voters' lists, and all other papers, letters, docu-

ments and memoranda, and ballot boxes, in connection with any such election whenever the same may be called for by the commissioners for the purpose of any such inquiry and investigation :

That the said commissioners have power to appoint two of Her Majesty's counsel learned in the law, to assist them in such inquiries and investigations, and also a registrar of their proceedings and necessary stenographers; that for the purpose of making such inquiries and investigations they may prescribe such rules and regulations governing the practice and procedure as seem to them proper for the initiation and conduct of such inquiries and investigations, and that in making such inquiries and investigations, they exercise all due despatch, proceeding in each case undergoing inquiry and investigation *de die in diem* unless for special and sufficient reasons they otherwise determine, and at the close of each inquiry and investigation they report to the Minister of Justice the result thereof :

That the said commissioners be vested with the power of summoning before them any witnesses, and requiring them to give evidence on oath, orally, in writing or on solemn affirmation, if they are persons entitled to affirm in civil matters, and to produce such documents and things as such commissioners deem requisite to the full investigation of the matters into which they are appointed to examine :

That such commissioners have the same power to enforce attendance of such witnesses, and to compel them to give evidence as is vested in any court of record in civil cases :

That whilst for the purpose of such inquiry and investigation, the attention of the commissioners is specially directed to a period including and subsequent to the general elections of 1896, still such inquiry and investigation is not limited to such period if they deem it advisable to extend the same to a period prior thereto :

That at the close of such inquiries and investigations, the commissioners make such recommendations for amendments to the law respecting the conduct of the elections as are calculated, in their judgment, the better to preserve the sacredness of the ballot, and to enable the electorate in the most effectual manner to exercise their franchise :

And generally that the said commissioners may report any facts, circumstances or opinions that to them seem proper in respect of the matters hereby referred to them.

The committee submit the above recommendations for Your Excellency's approval.

Clerk of the Privy Council.

Sir CHARLES TUPPER. I am glad that my right hon. friend (Sir Wilfrid Laurier) has been able to fulfil the assurance that he gave to the House in reference to this matter. It is quite impossible to follow with exactness a lengthy document of that kind read for the first time. I would suggest, therefore, that this order in council be printed, and I would ask an opportunity to-morrow to offer any suggestions that may occur to me as to means to more fully attain the objects as we all seek, if I find any such suggestions necessary.

The PRIME MINISTER. I move that the document just laid on the Table be printed for the use of members of the House.

Motion agreed to.