

justice. Now, who has this man to contend against—a young man and a layman as he is? Why, Sir, he has not only one of the best counsel against him, if I am correctly informed, that is to be found in this Dominion, but he has several of them; he has philosophers opposed to him; he has men of ability, not one but a score, to entrap him in every way possible. I say entrap him—certainly, because the hon. gentlemen wish to establish their position that he is a criminal. I say that is the common sense view of it. They wish to establish that he is a criminal out of his own mouth. Now, Sir, all my better feeling revolts against the refusal to allow this man counsel. I never saw him before; I never had anything to do with him; I have no fellow-feeling with him any more than I have with every man, more than I have with every man who is placed in his position; nor have I any prejudices, nor any political feelings in the course I take. But, Sir, I claim for him justice; I claim for him the rights of our common humanity; I claim for him what every criminal is granted, every unconvicted criminal. I think he should have counsel on the grounds of humanity, and I am astonished that hon. gentlemen calling themselves Liberals should take the ground that he should not have counsel to assist him to defend himself.

**Mr. GIROUARD.** The question seems to me to be one of procedure. Is it usual for the House of Commons to permit a party called to the Bar of the House to be assisted by counsel, or is it usual for the House of Commons to permit parties to be heard by counsel at the Bar of the House on any matters of public interest. I find in May, page 460, the following words:—

“Questions of public policy can only be discussed by members, but when protection is sought for the rights and interests of public bodies and others, it has not been unusual to permit parties to represent their claims by counsel.”

If on a public Bill, parties may be heard before the House by counsel, it seems to me that parties at the Bar of the House in the position of this gentleman to-day, have also a right to be heard by counsel.

**Mr. LAURIER.** It seems to me my hon. friend who has just sat down, and many of the hon. gentlemen who have spoken on the other side, are forgetting the precise nature of the duty which we have to perform. In order to remember what it is, let me read from the report of the committee, which says:

“It was moved that, in the opinion of this committee on the papers returned to the House, the conduct of the returning officer, John R. Dunn, requires explanation, and that the said returning officer, John R. Dunn, be ordered to appear without delay before the Bar of the House to be heard thereupon, and to answer for his conduct.”

What is the first thing he has to do? His conduct requires explanation, and he is here to give explanation. His explanation may be satisfactory or not. If he satisfactorily explains his conduct, he goes away; if the explanation he gives is not satisfactory, then a motion may be made against him, and upon that he may be heard by counsel; but not until he has given the explanation which the House may require of him. Now, the House should not forget this either, that in the explanations which are to be asked from that gentleman, only such questions will be allowed as the majority of the House will think proper, and when he has answered these questions, if they are answered satisfactorily, and convey the impression that he has acted in good faith, I suppose that under such circumstances he would be allowed to go, but if not, if the explanations are not satisfactory, then a motion will be made against him, he would be brought back before the House, and be liable to censure. Under such circumstances, for my part, I would be only too happy to hear him by counsel, but not until then.

**Mr. FREEMAN.**

**Mr. CHAPLEAU.** The hon. gentleman has just been making out a case in favor of the gentleman at the Bar. We sit here as a court like any other court. When a complaint is made against a person and he is at large, he may be arrested and brought to court, he may be refused bail and may be treated in any way the authorities may order, but the moment he comes before the court and has “to answer for his conduct,” he is never refused counsel. He is here to answer for his conduct. We have decided that he should be examined. Are we going to say that by our own actions, by our own conduct, we are going to prevent the man who is here in the double capacity of witness and accused—are we going to prevent him from saying: I am here to speak, you have brought me up, and before speaking I want to object to your jurisdiction? Had that man the right to say, when we put the question, as to what questions should be put to him? He had no such right; he had no right to object to the questions, and suggest that he did not want to be examined. He was not then before us. When he came before us that was the time to speak; it was the time to speak when the question was put to him. Hon. gentlemen who are accustomed to practice before the courts are aware that when the first question is put the party accused has a right to say, “I object to your proceedings, and I ask the privilege of being represented by counsel.” When our proceedings have commenced, that is the moment when he has the right to speak; that is to say, when the question has been put and he is called upon to answer. I will not say it would be an indecent, but it would be a most immoral proceeding, that a man should not enjoy the fullest liberty of the subject, and that is, to be free in his defence; and his defence is not after the questions have been put and answered, but it begins from the first moment of the examination, because he may come and convince us that we have no right to examine him. The hon. member for East Hastings (Mr. Burdett), for the sake of making a joke, which was good in form, but not correct on its merits, said: “I do not object, and I think he should have counsel at first as well as last, and during the whole proceeding; but I do not want him to be advised as to what answer to give.” We do not know what answer he will give; surely it is time afterwards to raise that point.

**Mr. THOMPSON.** I insist that this person has come to the Bar in a very different position from that of a witness in a court of justice, and in a position very different from that which a witness at the Bar of the House of Commons or House of Lords in England occupies. But, even if he is simply in the position of a witness, the authorities are abundant to show that sometimes the entire examination and cross-examination of witnesses in the Imperial Parliament is sometimes conducted by counsel. I admit that the ordinary rule is that it shall only be conducted by questions put from the Chair after they have been put to the House; but by the first relaxation permitted members are allowed to interrogate a witness directly, and it is assumed on the part of the House that it concedes that the question should be put. The second relaxation is, that sometimes a cross-examination is conducted by counsel, as hon. gentlemen will see on looking at page 485 of May, where the whole subject is dealt with:

“When a witness is in the custody of the Sergeant-at-Arms, or is brought from any prison in custody, it is the usual, but not the constant practice for the Sergeant to stand with the mace at the Bar. When the mace is on the Sergeant's shoulder, the Speaker has the sole management.”

Just previous to that it says:

“For the sake of avoiding the repetition of each question members are usually permitted to address their questions directly to the witness, which, however, are still supposed to be put through the Speaker.”

May goes on to say that in such cases (that is, when the prisoner is in the custody of the Sergeant) it is usual for the