

commission was faulty in any particular. The hon. gentleman referred to a clause contained in the election law from which he gathered, as a matter of inference, that the statute forbids this officer to allow any person to inspect these ballots or poll-books, or whatever may be the prohibited documents, other than to the courts excepted under the Act. If there is doubt upon the subject at all there is a very simple and easy way by which you can remove that doubt. We have no desire to have this investigation baulked through any defect of that kind, I can assure hon. gentlemen opposite,—that is furthest from our thoughts and wishes. But, instead of passing through this House an Act to amend chapter 114, or instead of changing the commission in any regard—though I presume that would not be adequate if my hon. friend's reading the law is correct—we might meet the case by a very simple amendment to the Bill relating to elections which is now before the House. If any hon. gentleman thinks it a matter of sufficient doubt, and will suggest the words to be added to one of the clauses which will remove that doubt, there will be no objection on the part of the government to amending that clause. Section 98 of the Bill is one identical with the section in the existing law; and the addition of few words will make it clear that the Clerk of the Crown in Chancery shall attend this commission, so that there will be no necessity for the introduction of a separate Bill.

Mr. BORDEN (Halifax). I think it will be decidedly necessary, because the Governor General in Council has no power to make an order with respect to returns which I think, are in the custody of this House through their officer the Clerk of the Crown in Chancery.

Mr. RUSSELL. How do you make it out that he is an officer of this House?

Mr. BORDEN (Halifax). Does the hon. gentleman (Mr. Russell) doubt that the returns of members to this House are in the control of this House? My idea about it is that the return of members to this House are in the possession of this House and under the control of this House, although they are, by the terms of the statute, in the actual possession of the Clerk of the Crown in Chancery. Holding possession of these returns, he holds them as an officer of this House and is subject to the control of this House in that respect. In other words, the House has complete control over these returns, and also over ballot papers and other documents relating to the return of members to this House. And, as is pointed out to me by my hon. friend the senior member for Pictou (Sir Charles Hibbert Tupper), in Sir John Bourinot's book, page 225, on this point, he quotes Hatsell, a well known authority:

He is also an officer of the House of Commons, though appointed by the Crown and in attendance on the Lords on certain occasions.

That is exactly what I thought the law was, though I never had my attention attracted to that authority before. I should think it abundantly plain that the Governor General in Council, in the absence of a statute expressly giving authority for that purpose, would have no control over the Clerk of the Crown in Chancery in respect of these documents. That is why I suggested that it was necessary, and why I still think it is necessary, to make the change. I think an amendment of the Election Act will effect the object desired.

The MINISTER OF RAILWAYS AND CANALS. It is not necessary to waste time discussing the question now, because it is a purely academic question. If the hon. gentleman (Mr. Borden, Halifax) desires that an amendment of that kind be introduced in the Bill relating to elections, that Bill will be before the Committee of the Whole again, and there will be no objection on the part of the government to the adoption of the amendment. We wish to place no obstacle in the way of the inquiry; and it would be extremely inconvenient if any doubts arose in the minds of the commissioners as to whether the Clerk of the Crown in Chancery could be compelled to produce these documents before the commission. We desire to have them there; and while I do not think that any question would arise, while I do not think that there is any room for doubt under the terms of the commission, as to the obligation on the part of this officer to attend on the subpoena from these commissioners, yet, there can be no possible objection to a few words being added to the clause of the Election Act to which I have referred.

Now, the hon. gentleman (Mr. Borden, Halifax) makes further complaint with regard to the commission, and says that we ought, in express terms in that commission, to direct that the commissioners should inquire, first and foremost, into the West Huron and Brockville election cases. He has not favoured us with any particular reason why either of these cases should be first taken up, except that one of them was taken up and has already been practically exhausted, so far as the taking of evidence is concerned, before the Committee on Privileges and Elections of this House. If that were a good reason, a cogent reason, why the West Huron case should be taken up, it would not be any reason why the Brockville case should be taken up out of its order, because there has not been even the shadow of a prima facie case stated in this House for the Brockville inquiry. But, whether there is any particular urgency for the hearing of one case first rather than another, does the hon. gentleman imagine that public interest will be exhausted as soon as one