

self in other places and I know, and those gentlemen who have sat on similar committees will be frank enough to acknowledge—if they wish to acknowledge what they believe—that this is the moving influence on both sides. The party in opposition always feel that they have everything to gain by pressing the most unreasonable and improper questions, and the party in power, on the other hand, feel that they have everything to lose by objecting to such questions. Yet my hon. friend coolly asks that testimony of such a character and admitted under such circumstances should be handed over bodily to this commission, and this commission be asked to come to a conclusion upon it. To ask that the judicial commission should take cognizance of such testimony, taken by a completely distinct body, and a great deal of it hearsay and utterly inadmissible and valueless, is to my mind a request which requires only to be stated to be refused. What is the object which my hon. friend thinks can be served by such a departure from all rule and precedent? My hon. friend has not enlightened us. I have not heard any reason advanced, except the matter of expense, and that question of expense is not one which will weigh very much with hon. gentlemen opposite. They will not feel much concerned on that score, and it is not a consideration that will weigh with anybody. We have selected gentlemen in whom the people have confidence as commissioners, and we want these gentlemen to give their best mind and thought to the investigation. We want them to get at the facts, but we do not want them to be loaded up, at the very outset, with hearsay statements, because you can get hearsay statements which will incriminate any one. We want them to come to a conclusion upon legal and proper evidence, taken in a legal and proper way. In civil cases, in which the character, freedom and reputation of men are not affected, but which simply involve dollars and cents or some question of legal controversy—in such cases evidence is sometimes taken by the consent of the parties elsewhere than in the presence of the judge, who will read it and give what weight to it he chooses. But that class of cases is entirely different from the one before us. In this case the parties are all liable to suffer the consequences if they are shown guilty of the acts charged against them. While this commission is not a trial, it is leading up to a prosecution in those cases in which the charges may be established, and therefore, such charges ought to be investigated in a proper manner and only such evidence admitted as can properly and legally be admitted, without doing any injustice or unfairness to any person concerned.

As to the expense, I do not believe that a dollar would be saved by following the course advised by my hon. friend, because either one side or the other will be

Mr. BLAIR.

desirous of having every individual witness, who gave evidence before the committee, summoned and examined again.

The suggestion is one that does not commend itself to the government, and we cannot except it.

Next we had something with regard to the power or authority of this commission to compel the attendance of the Clerk of the Crown in Chancery with the ballot papers and poll books and other documents in his possession. My hon. friend referred to the Election Act in this connection, and suggested that there was some argument to be drawn from it. I think he bases his contention very largely upon the proposition that the officer is an officer of this House. If I am correct in that, I think that the basis upon which he urged this contention of his is not well founded, because I think it must be clear that the Clerk of the Crown in Chancery is an officer of the Crown, and not an officer of the House of Commons. He is appointed by the Crown, not by this House; he is paid by the Crown and not paid in the ordinary way of officers of this House. He is assuredly an officer of the Crown.

Mr. POWELL. Might he not be both?

The MINISTER OF RAILWAYS AND CANALS. He might possibly be both. But, I take it that as a Clerk of the Crown in Chancery, he is an officer of the government. He is made custodian of certain documents relating to the return of member to this House—

Mr. POWELL. And to that extent, he is an officer of this House.

The MINISTER OF RAILWAYS AND CANALS. I take it not. I do not think you will find in any statute which governs him or his duty that he is declared, *quo ad* the receipt of returns of elections and the filing of them, an officer of this House. It is not so stated in any statute so far as my memory serves me. As an officer of the Crown, he must be subject to the control of the Crown; and the Crown has stated in this connection that he shall attend upon the request of the commission, and produce these documents. Perhaps, if the House were to pass an order that these documents and papers should not be taken by the Clerk of the Crown in Chancery and exhibited before or handed over to the custody of this court, that might be sufficient to prevent them being taken. I am not going to argue that question, because that question is not likely to arise. The Clerk of the Crown in Chancery is required, in express terms by this commission, to attend and produce these documents. So my hon. friend will see that we were prepared against any possible contingency, against any possible contention that might be made that our