

understand it, to include in the Supply Bill such provision as will clothe the commission with the powers in this matter proposed by the senior member for Halifax. That is satisfactory. But touching the hon. gentleman's observation as to our not doing justice to ourselves in assuming that that provision would not be made, I refer to the Ogilvie Commission. That commission was issued under this statute. What happened to the witnesses? There was money at hand under the command of the government; did they pay the witnesses? If they did, when did they do it? The men who had the conduct of the charges came before the commissioner appointed under the same Act under which these commissioners are appointed, and told the commissioner that they depended on the evidence of men who were up the creeks on their claims, and who could not be got there, unless they were paid, and were maintained while attending the commission; and Mr. Ogilvie, as the report shows, admitted his inability to pay a farthing to any one of the witnesses who were required in court. And all he could do, was to promise that he would communicate with the government and endeavour to have some arrangement made. What happened? That commission became abortive, owing largely, to the inability to obtain witnesses and pay them their proper fees. The labours of the commission closed in May, 1899, and the witnesses who were paid by the government were paid in November, 1899. With a case of that kind before parliament, I do not think that the hon. Minister of Railways need be surprised that we should take care to see that no such accident shall happen with regard to this commission.

The hon. gentleman says, touching other counsel than the two named, that there is no difficulty about that, as the commission have authority to allow other counsel to appear. But he hardly made that point good. He did not meet the argument that, as the commission can appoint two counsel, it will be going very far to say that either by rules or orders, under the general language to which the hon. minister refers, there will be other counsel than the two named by the commission.

**THE MINISTER OF RAILWAYS AND CANALS.** Not paid by the commission.

**SIR CHARLES HIBBERT TUPPER.** No, but the language of the commission is that they shall appoint two counsel, and certainly it is not a violent presumption to say that those were to be the only counsel. But the hon. gentleman did not meet the other point, namely, that we are unable to say what view the commission will take, and the case of the Ontario commission is before us, which refused to allow other counsel to appear and ruled them out. The same thing consequently might happen in this case; and the government do not take the responsibility of saying that they have

so arranged that commission that they do not intend that other counsel shall appear except these two.

Then again as to asking how the witnesses voted, I think the Minister of Railways found himself skating on rather thin ice. I forget whether he was in the House this afternoon when a very interesting discussion took place across the floor. The hon. member for Halifax (Mr. Borden) was dealing with the Haldimand case, when the hon. the Minister of Marine interrupted him to explain that there need not be any trouble about this matter at all, because he did not hold that the Haldimand case settled the question and that witnesses could not be asked how they voted, but he agreed with the hon. member for Halifax, that that question was not an open one, but one which had been decided. He agreed with the hon. member for Halifax that the Manitoba case had decided the point that witnesses could be examined as to how they had voted, when the limit for filing an election protest was over and the result of the election could not be affected. To-night, however, the hon. Minister of Railways leaned strongly the other way. His view was that such evidence will not be allowed. So that we have at least a case of doubt, a case in which there is difference of opinion in the cabinet. You have the Minister of Marine a lawyer, and the Minister of Railways, also a lawyer, both expressing different opinions on that head. The Minister of Railways gave this House to understand that the only reason why the Committee on Privileges and Elections last year permitted witnesses to be asked how they had voted was that public opinion would be prejudiced against those who objected to such evidence. So that I may not do the hon. gentleman an injustice, I will quote his language:

It contains testimony which was admitted by the committee under circumstances which were not proper, favourable to the proper elucidation of the facts, or to the holding of a proper inquiry; and I will tell the House why I think so. When the question came before that committee as to whether certain witnesses should be compelled to state for whom they had voted, the question of the admissibility of that evidence was very properly raised by counsel. The result was that the newspapers of the opposition cried out that the committee were stifling inquiry; and the reason that evidence was admitted afterwards—I was present when a portion of the discussion took place, and also when the evidence was finally admitted—was not because, in the opinion of the majority of the committee, it was proper or legal evidence, but because they felt that the whole object of the opposition press was to create the impression that the majority wished to suppress the evidence and stifle the inquiry, and, therefore, they felt that it would be better to allow this violation of the law rather than to put it in the power of hon. gentlemen opposite to represent to the country at large, who would not know the rights or the wrongs of the matter, that we had refused to permit everything to come out, or to allow the widest possible inquiry.