

that we should ascertain whether the rule *nisi* was served before asking Mr. Dunn if he acted on a verbal statement.

Mr. DAVIES. He stated that, in consequence of a rule *nisi*, he refrained from acting on a recount then. My hon. friend put the further question: "Were you named in the rule *nisi*, or was it not in consequence of a verbal statement made by Mr. Currey, counsel for Mr. Baird, that you acted?"

Mr. TUPPER. Did he say a rule *nisi* was served upon him?

Mr. MILLS (Bothwell). We will find that out when he answers this question.

Mr. WELDON (St. John). To prevent any difficulty I propose the following question: "When you were served with the rule *nisi*, did not Mr. Currey make a statement?"

Mr. TUPPER (Pictou). I am not aware whether or not the witness has stated that a rule *nisi* was served upon him. I notice that the hon. gentleman proposes to ask what was said when the rule *nisi* was served upon him, but I have not heard the witness state that a rule *nisi* was served upon him.

Mr. WELDON (St. John). I understood that the witness said—

Mr. CHAPLEAU. Let us hear what the witness said.

Mr. WELDON (St. John). I asked him—

Mr. McCARTHY. Perhaps the shorthand writer had better write out the answer, and send it up to the Clerk.

Mr. DUNN. I am somewhat tired standing here, Mr. Speaker. Am I allowed the privilege of sitting?

Mr. TAYLOR. The witness has made application for a seat. I move that he be allowed a chair.

Mr. FOSTER. I move that the witness be given a chair.

Mr. SPEAKER. Will the Sergeant-at-Arms give the witness a chair. The answer sent by the shorthand writer is this: "I refused to act on the order of the judge for a recount, because a rule *nisi* for a writ of prohibition was served upon me by order of Judge Tuck"

Sir JOHN A. MACDONALD. That is clear.

Mr. WELDON (St. John). I propose that the following question be put: "Were you a party named in such rule *nisi*? Was it not in consequence of something said to you by Mr. Currey, the counsel for Mr. Baird, as to statements made by Judge Tuck that you refused to act on the recount? Did you not state to Judge Steadman that it was in consequence of Judge Tuck's statement as repeated to you by Currey, that you refused to act on a recount?"

Mr. LYONS (Counsel). Before the question is put, I would ask for the information of the witness if the former question is withdrawn, or is he to answer it?

Mr. SPEAKER. It has been withdrawn.

Motion agreed to.

Mr. DUNN. I have the copy of a rule *nisi* for a writ of prohibition which was served upon me here, and I place it in the hands of one of my counsel, and he may read it here for the information of the House, if the House permits.

Mr. WELDON (St. John). Put it in.

Some hon. MEMBERS. Order.

Mr. RYKERT. You cannot talk to the witness.

Mr. DUNN. It was not in consequence of something said to me by Mr. Currey, the counsel for Mr. Baird said—it was not in consequence of something said to me by Mr. Currey as to statements made by Judge Tuck that I refused to act on the recount. I did not state to Judge Steadman that it was in consequence of Judge Tuck's statement as repeated to me by Mr. Currey that I refused to act on the recount.

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Mr. WELDON (St. John). The witness has not answered the first part of the question.

Mr. McCARTHY. He puts it in.

Mr. DUNN. I produce the rule.

Sir ADOLPHE CARON. He produces the rule.

Mr. WELDON (St. John). That is no answer to the question.

Mr. McCARTHY. It is the very best answer.

Mr. FERGUSON. I will read the rule.

Mr. THOMPSON. I propose this question—

Mr. DAVIES. Before that is done, I would point out that there is a question which has been asked by the hon. member for St. John (Mr. Weldon), or rather three questions—one question divided into three. The witness has chosen to answer two, and to utterly ignore one.

Some hon. MEMBERS. No.

Mr. DAVIES. Yes; he was asked whether he was a party named in that rule *nisi*. He has not answered whether he was or not.

Mr. McCARTHY. He puts it in.

Mr. CHAPLEAU. We are practically judges, and any judge can ask a question of the witness.

Mr. THOMPSON. He did not ignore the question, but answered it fairly when he said "I produce the copy of the rule *nisi*." My hon. friend from St. John (Mr. Weldon), will remember that, when a few moments ago I suggested that he should ask the witness whether the rule *nisi* had been served, and that, if that was the case, it was unfair to ask any questions as to what was contained in it, he said I was too strict and should not press that point. I felt that I should not proceed, because the witness might not have the papers with him, and my hon. friend might be restrained thereby from enquiring about something that might be pertinent. Now, that he has the paper we may make the enquiry.

Mr. WELDON (St. John). I asked him to read it. It is not a part of his answer. He may have stated that he copied the rule *nisi*, but he did not read it.

Mr. THOMPSON. It strikes me the question was fairly answered, and he offered to produce it. I move that this question be put: "Will you produce the rule *nisi* served upon you?"

Motion agreed to.

Mr. DUNN. I produce the copy of the rule *nisi* that was served upon me.

"IN THE SUPREME COURT.

"*Ex parte*, GEORGE F. BAIRD.

"Upon motion of Mr. L. A. Currey, and upon reading the affidavits of George F. Baird and Lemuel A. Currey, I do order that James Steadman, Esquire, judge of the County Court for the county of Queen's, in the Province of New Brunswick, T. Medley Wetmore and George G. King, at the next Easter term of this honorable court, do show cause why a writ of prohibition should not issue to prohibit James Steadman, Esquire, the judge of the County Court for the county of Queen's aforesaid, from in any way further proceeding with or to make a recount or final addition of the votes given for said George F. Baird and George G. King at the election held on the twenty-second day of February last past of a member to represent the electoral district of the county of Queen's, in the Province of New Brunswick, in the House of Commons of Canada, and from certifying the result of any such recount or final addition of the said votes to the returning officer of the said electoral district of the county of Queen's, and in the meantime and until further order of this court, let all further proceedings with, on or with reference to said recount or final addition of said votes, and such certificate of the result of any such recount or final addition of votes be stayed.

"Dated, March the ninth, A. D. 1887.

"(Signed) W. H. TUCK

"*Judge of the Supreme Court.*"

Sir JOHN A. MACDONALD. Let it be read as part of the answer.