

prevail, and of what character they were. And for that purpose Mr. Blake introduced in 1876, that elaborate Act, chapter 10 of the Revised Statutes of Canada, copied from the elaborate provisions made for the same purpose in England, and there never was a man, Sir John Thompson, or any other eminent man in this House, who was charged with these matters, who ventured the suggestions that have fallen from the lips of the Prime Minister, and the Minister of Railways in regard to this matter. There never was a suggestion in anything which Sir John Thompson said touching this amendment in 1889, of a totally different Act passed for a totally different purpose, that would warrant the observation made by the Minister of Railways, that he had considered that the Blake Act was unnecessary, and that with regard to the indemnity provisions it had gone so far. There was nothing said, and for a good reason; these two statutes deal with entirely different subjects. This is the first case which the hon. gentleman can call to mind in which it was ever attempted to clothe a commission with authority to inquire into the prevalence of corrupt practices and fraud and crime and rascality relating to elections or anything else. The other is the machinery devised for that purpose by the able men who prepared that legislation in England. The other is the result of the study of Mr. Blake, made in 1876, when he copied the legislation with certain improvements; and, as I say, it was never pretended by any one on either side of this House, before we had at hand that little Act relating to public inquiries into matters relating to good government, that would make that machinery and all those provisions in the other Act wholly unnecessary.

Touching, too, this question as to jurisdiction, I would like the hon. gentleman to remember the peculiar jurisdiction respecting this matter of elections and all relating to them. In May it is laid down:

Another important power peculiar to the Commons is that of determining all matters touching the election of their own members.

And he goes into the history of this interesting subject, showing how the courts had attempted to deal with these matters, but how in the contest the will and claim of parliament had prevailed, as of course it would prevail. So that when we find parliament delegating to the courts, and by Act of Parliament, of course, only a portion of its jurisdiction, and that relating simply to controverted elections, and then in regard to corrupt practices prevailing at elections, it does seem to me to afford more than a doubt as to whether this general legislation can be said to have taken the rest of the jurisdiction away, or to have been so expressed that it would have been interpreted, after argument, to mean that under that the Governor in Council could deal with the

rest of a matter, otherwise within the exclusive jurisdiction of this House; and that is a question which may come up, if the hon. gentleman's position be right in regard to another matter, that counsel, other than the two named by the commissioners, shall have access to that tribunal. If the parties interested may attend by counsel, one of the very first questions that will come up will be that; and if the hon. gentlemen are anxious that this commission shall proceed speedily, and shall not be disturbed, why should not that doubt—though the hon. gentleman does not share it—be put aside by the use of apt language? What possible reason is there for resisting the suggestion that all doubts as to the jurisdiction of parliament should be removed? I would put it to any reasonable member of this House, who has studied the question at all, when you are dealing with a question like the Huron and Brockville cases, and other similar questions, which is the Act most suitable to copy? Which are the provisions most adequate on their face? Those in the Act relating to corrupt practices, or those found in the Act respecting inquiries into any matters relating to good government? So, in 1889, Sir John Thompson, recognizing the difference, not only in the language, but in the application of those two statutes—one expressly dealing with corrupt practices and crimes, the other dealing with inquiries into the improvement of the civil service, with regard to the conduct of officers in the service, with regard to matters suggesting legislation, matters in connection with the grain trade, and other matters of that character—might well say that the provision was unnecessary, which found its way into the Corrupt Practices Act, simply on the ground on which Mr. Blake put it, that you have to depend on criminals for some of the most important evidence, and you cannot hope to get that evidence, or get to the bottom of a crime, where the crime has extensively prevailed, unless you go further than the Act of 1889 does, and give complete indemnity, and allow the commission to grant absolute pardon to the criminal who makes a full confession, and properly conducts himself before the commission. So the reasons have not been met by the Minister of Railways, and the reasons, I think, were clear to the mind of Sir John Thompson, when he amended an Act intended to deal with a totally different matter.

As to the payment of witnesses, the hon. gentleman says that we do not do ourselves justice in assuming that the government do not intend to make ample provision for the witnesses. I do not know about other members on this side of this House, but I will tell the hon. gentleman why I have considerable doubt. I will admit that the statement of the Minister of Railways to-day, and the statement of the Prime Minister before him, on that head, are ample to satisfy me, that is, the express promise, as I