

upon to give might tend to criminate that person and that legal prosecutions might follow, and, not believing that it would stimulate the witness to give better testimony if there was incorporated Mr. Blake's clause, Sir John Thompson distinctly rejected that clause and amended the law as we find it in the Act of 1889. I say that the absence of that additional clause from the Act of 1889, which the hon. gentleman (Mr. Borden) seeks to insert to-day, is the best evidence in the world that Sir John Thompson's opinion was against the insertion of that clause. I am not a little surprised that my hon. friend (Mr. Borden) should now attach such very great importance to the opinion of Mr. Blake as against the opinion of Sir John Thompson on this question. We are at all events of the opinion that it would not conduce to any more freedom on the part of witnesses in giving their evidence or in stating the facts. I can very well imagine—and it might possibly have been in the mind of Sir John Thompson when he rejected that clause. I can very well imagine that were such a clause inserted, and my hon. friend (Mr. Borden) were conducting that inquiry, and if he had an interest in saving any particular person, A, B, C, or D, who had been guilty of these alleged practices, and a number of witnesses had been put on the stand whose testimony pointed to the guilt of A, B, or C, my hon. friend (Mr. Borden) would be on the alert to have A, B, C, or D called as a witness, and he would advise him: Now, you are in a hole; the evidence clearly shows your guilt, go on the stand as quickly as possible and make a clean breast of it, and you will escape entirely a prosecution if you do that. My hon. friend (Mr. Borden) would no doubt bend his energies in that direction, and if you had many such people so inculcated you would have them marching up in battalions to the court, hurrying to give their testimony so that they would be exempt from prosecution, although the evidence outside of their own confession was ample to establish their guilt and secure a conviction.

My hon. friend next spoke of the payment of the maintenance and travelling expenses of the witnesses before the commission, but I think the hon. gentleman was satisfied with the suggestion made to him across the floor, that there could be no object in amending this commission in that direction at this stage. The commission, I think, has actually issued—

Sir CHARLES HIBBERT TUPPER.  
It is gazetted.

The MINISTER OF RAILWAYS AND CANALS. I do not think it would be desirable to amend the commission for this reason alone, unless some stronger arguments can be given than have been given in favour of it. It was declared not only this after-

noon, but it was declared at a very early period of this discussion, that it was the intention of the government to ask parliament for a vote and to make the vote in such terms that it should be at the disposal of the commissioners for the purpose of covering these expenses. My hon. friend (Mr. Borden) must not think that it was in the mind of the government at any time to ask parliament for a vote which they did not intend should be used for that purpose, or to ask for it in such a way that it could not properly be used for that purpose. Nothing could possibly be gained by that. The hon. gentleman (Mr. Borden) might at least acknowledge that the government of this country are not entirely destitute of common sense. Even if we had no higher motive, we would not propose to start an inquiry which we did not intend should be equipped in every necessary way, in order if possible to get at the facts which we want to reach and to expose to the fullest extent. That is our interest, and hon. gentlemen opposite do not, I think, do themselves justice if they assume that the government could be moved by any want of earnestness or sincerity in this matter, or could feel that we had any credit to gain or could justify ourselves to the public at large by issuing a commission which is faulty and defective, and which must fail by reason of the form in which we had issued it.

The next clause the hon. gentleman proposes is that:

Provision should be made for such preliminary investigation of facts and inquiry into evidence as are usually incident to the conduct of proceedings before a judicial tribunal.

In this connection my hon. friend pointed out that it would be unreasonable to expect the two counsel who would be named by the commission, to take up the preliminary or initiative stages of these matters, and that it ought to be possible for persons who might be interested in pursuing an investigation into any of these charges, to retain counsel who would be authorized to appear before the commission. I do not see any reason why my hon. friend should feel alarmed on that score. There is nothing in this commission which would prevent the commissioners from allowing any counsel who might appear in the interest of any complainant, to state his case, present his witnesses, and, if he would, examine them before the tribunal. On the contrary, the very terms of this commission show that the government, in framing it, have been alive to the importance of making every possible provision for the judges to make the inquiry thorough and effective. We confer upon them in terms the power to make such rules and regulations governing the practice and procedure as seem to them proper for the initiation,—the very point my hon. friend seems to be alarmed about—the

Mr. BLAIR.