

argued it had no powers beyond those of the Committee in the matter, and could not, therefore, claim more. The motion before the House ought not to be pushed further. It was contrary to the constitution to act in the way proposed. In the second place, the matter did not deserve all the attention given it. The Committee's mode of taking the evidence, if not illegal, was not far from it. The affidavits used to influence the judgment of the Committee were, to its knowledge, of a kind to subject the makers to proceedings for a misdemeanor by the Act of last session. The Committee ought to have rejected such evidence. This fact alone was sufficient to justify the House in refusing to entertain the present motion.

HON. MR. BOTSFORD, in reply to the remark as to the illegality of the Committee's acceptance or use of the affidavits, said they were presented to the House by the Secretary of State, in answer to an address, and were connected with this investigation. He had never read them, as he preferred examining their authors when before the Committee.

HON. MR. LETELLIER—Then why bring those affidavits to bear on a judgment to be rendered by the House?

HON. MR. BOTSFORD—Those documents were already before the House.

HON. MR. PENNY said he had looked into the report and the evidence upon which it was based, and must say that the accusation of the Government's having changed the contract for political purposes, was plainly negatived by all the circumstances shown by the evidence. The mere fact of Palen's tender being received after the hour for posting—the other tenders being in before this one—was conclusive proof of the absence of any intention to do him wrong. On the other hand, the circumstance of Palen's tender being \$686 below the others, was some indication that he was acting in good faith, too. He (Mr. Penny) wished to make no charge against any one in this connection. The report stated that the evidence clearly established that Palen's letter, inclosing his tender, was posted before noon on Saturday, the 7th. Now, the only evidence of that fact that he could find,

was Palen's own statement on two occasions; and all knew the rule of law as to the inadmissibility of a man's evidence in his own case. Neither person to whom he made the statement saw him post the letter, nor had any personal knowledge of such act. Mr. Penny analyzed the evidence, recalling that of Mr. Griffin, as to Palen's letter being marked in the post office "P.M.," meaning half-past twelve p.m. that day. So, if the mark was put on regularly, it was quite impossible the letter could have been posted at the time pretended. He contended the fact assumed by the report was not clearly established, but that the presumption was the other way. Merrill received the letters about one o'clock p.m., it being three when he reached the Chaudiere. It was most natural to suppose he would have asked for any others; at any rate he got none. As to the opening of the tenders, this was done by the officers of the department, and not by Mr. Mackenzie, and Merrill acknowledged he had done wrong—that after he had extended the tenders he told Palen he had got the contract. Palen then entered upon and proceeded with the work; he had nothing in writing, having only got the word of an official he knew to be a subordinate. Palen, instead of not knowing this till the 16th, began the work on Tuesday, and knew all about the matter on Thursday following. Merrill having told Palen he could not have the work, he promised to give it up and take his men away on Thursday, but in place of doing so, on Monday following he put on fifty or sixty more men. Now, where was the evidence of the work performed being worth \$1,000. He (Mr. Penny) had looked in vain for any. Before reporting as to what had been spent, the Committee ought to have enquired into matters a little particularly, instead of accepting the mere *ipse dixit* of the interested party. The persons who might have known something about it were never questioned. He believed that the whole circumstances of this case were exceedingly simple, and that Mr. Mackenzie's first connection with this work was not to direct that Palen should be cut out, but rather in favour of his admission. He denied any proof