

introduced for the purpose. I take it that it would be necessary that legislation should be had for such a purpose.

Mr. BORDEN (Halifax). I may say that in so far as commissions of that kind are concerned, I intended that there should be legislation. The Governor in Council could not do that.

The MINISTER OF RAILWAYS AND CANALS. I quite understand my hon. friend to mean that. The hon. gentleman proposes that chapter 114 should be amended so as not only to afford protection to the witness from the testimony which he, himself, may give upon such an inquiry, but that every person by reason of the fact that he has come forward and given that evidence, should be entitled to a certificate, and that that should free him from any prosecution in respect of any act which he may be proved to have committed of this character as to which the evidence may refer.

Mr. BORDEN (Halifax). I was not so much dealing with chapter 114, as I was dealing with the suggestion that this investigation, which is of the same character, or somewhat of the same character, as that provided for by chapter 10, should be accompanied with the same instance in that respect; in other words, that so far as this investigation is concerned we should make applicable the provisions of the ninth section and the eleventh section.

The MINISTER OF RAILWAYS AND CANALS. I understand the hon. gentleman's contention in that regard. I take it that it is a mere matter of opinion. The hon. gentleman's opinion is that it would be desirable to do that. The opinion of the government upon it is that it would not be desirable. The hon. gentleman thinks that it would tend materially to more freedom in the giving of testimony, if such a course were adopted. That opinion is not shared by hon. gentlemen on this side of the House, so far as I know. It is an opinion, at all events, that is not entertained by the government. It is entirely a matter of opinion. The opinion which I entertain is that such a departure from what is the usual and ordinary privilege which is conferred upon the individual who gives evidence which may, if it were used against him, tend to incriminate him, is going far enough. We do not see that any benefit would accrue at all from extending it beyond the phrase that we have embodied in our commission. We do not think any benefit would accrue from it. The hon. gentleman thinks there would; we think there would not. I may point out to my hon. friend that it does not carry the argument any further, as it strikes me, to say that one member of this House at one time contended that such an addition to the ordinary privilege would be an ad-

vantage. It bears no other weight than can be attached to it as the opinion of a prominent member of this House; which apparently is shared in by my hon. friend (Mr. Borden).

Mr. POWELL. And by the House.

The MINISTER OF RAILWAYS AND CANALS. The majority of the House at that time did agree in it. But what effect will the hon. gentleman (Mr. Borden) attach to the equally cogent fact (which no doubt is present in his mind although he did not mention it), that when the Act of 1889 was being passed, it was introduced by no less a person than Sir John Thompson. Sir John Thompson had Mr. Blake's clause and the English Act, and this Act before him. He no doubt weighed and considered all these, but yet he came to the conclusion that in any inquiry which should take place by commissioners, covering the whole sphere of any matters involving the good government of Canada; he came to the conclusion that it was not desirable to extend that clause beyond what is embodied in this Act. He rejected Mr. Blake's clause as not being, in his opinion, wise or proper legislation. Of course, any hon. gentleman who thinks that Mr. Blake's opinion is very much more valuable than the opinion of Sir John Thompson will perhaps agree with my hon. friend (Mr. Borden), but those who entertain the view, that Sir John Thompson's opinion on a question of this kind was equally valuable with the opinion of Mr. Blake, will not follow the reasoning of the hon. member (Mr. Borden). You have Sir John Thompson upon the one side and Mr. Blake upon the other, the one neutralizing the other and leaving us just where we commenced.

Mr. BORDEN (Halifax). I follow both.

The MINISTER OF RAILWAYS AND CANALS. My hon. friend will pardon me for saying that he does not follow both.

Mr. BORDEN (Halifax). I follow both, because I think that Sir John Thompson did not intend that section 114 would apply to any such proceeding as this at all. I follow both Mr. Blake and Sir John Thompson, if my theory is right as to what this Act means.

The MINISTER OF RAILWAYS AND CANALS. It is a mere matter of conjecture on the part of the hon. gentleman, and conjecture is not very valuable in support of such a proposition as he asks the House to adopt. The fact is that Sir John Thompson asked parliament to amend the law in so far-reaching a manner as to regulate all inquiries into and concerning any matter connected with the good government of Canada; and, having present to his mind that the evidence which a person might be called