

to almost nothing at all, because wherever you find that the subject of inquiry is already provided for before the courts a commission organized under that statute will not have jurisdiction, seeing that there is some other way by which the same result may be arrived at. The criticism is also made that the terms of the commission are not large enough—but that has been gone over so frequently and by so many speakers that I do not wish to occupy any of the time of the House in discussing it at all. It is really a question of grammar. It is a question of the grammatical analysis of the sentence in which the powers of the commissioners are stated. I do not profess to be an expert on that subject, but when you find in the commission that it refers to frauds that have been committed by returning officers, deputy returning officers and other parties, I think you have the basis laid for a very generous and liberal construction of the operative part of the commission. Then, when you read in the operative part of the commission itself that they are to inquire into any fraudulent conduct, that is to say, into the various things that have happened by reason of any fraudulent conduct in respect to the ballot books, the ballot boxes, or their lawful contents, or what should have been their lawful contents, you get an exceedingly ample charge for this commission to inquire into, everything that by any possibility could be brought within the scope of the subject which they are to investigate. I do not intend to analyse these sentences any further, because I believe that anybody reading them fairly must see that they cover all that it is necessary this commission should inquire into.

Now, it is quite clear that any question that can be raised as to the indemnity of the witnesses cannot possibly have any relevancy to the question as to the fulness of the inquiry. The commission is to be as full and as ample one way as the other, as ample the way the commission stands as the way my hon. friends opposite propose that it should be read. All the witnesses are bound to answer any questions, whether the answers criminate them or do not criminate them. The question is not as to the obligation of the witness to answer every question, but it is as to what is going to happen the witness after he has answered the question. So far as I am concerned it strikes me that the policy of the commission as issued, is much more wise and sensible than it would be if the suggestions of hon. gentlemen opposite were accepted. The witnesses have all the protection that is requisite and just, given to them. The protection that is given to them is exactly equivalent to the privilege that is taken away from them. The privilege that is taken away from them is that contrary to their privilege under the common law, they can be called upon to answer any question which

would have a tendency to criminate them. You deprive them of the privilege of refusing to answer questions which may criminate them, but you give them a corresponding advantage when you say that their answers shall not be used against them in any criminal trial. To go further than that would bring about the result, that you might have proved your case conclusively against a most notorious criminal who ought be tried and put in the penitentiary for some flagrant violation of the law, but the first thing any one would do who had an interest in him, would be to hustle him into court to get him examined as a witness and have him whitewashed. By that process you might whitewash all the scoundrels in Canada who have been connected with this business. I therefore think that the protection given to these witnesses is all that can be fairly asked for. I again point out, that the question at issue between the two sides of the House in this regard, is not as to the fulness of the inquiry, is not as to the nature of the questions that can be asked, is not as to the power of the commission to get all the knowledge that is in the breasts of the witnesses, but it is simply as to what shall be or what shall not be the extent of the immunity accorded to the witnesses.

In regard to the right to question the voter as to how he voted, I will have to confess that I had a rather strong feeling in favour of the protection of the secrecy of the ballot when we were discussing this matter in another place some twelve months ago. However, I was disposed to acquiesce in the view that was taken by the learned Chief Justice Killam, of Manitoba, that there might be a distinction drawn in the policy of the law, and therefore the propriety of asking or not asking the question, between a case where the seat of the member was in question; and a case where the seat of the member was not concerned. The only point was this: That if you are going to consult considerations of policy, it did not then and it does not now occur to my mind, why the policy of the law should be any different in the one case from that which it is in the other case. Be that as it may, however, the distinction has been made and it has been upheld by the chief justice of Manitoba, and I would be inclined to predict that the judges who constitute this commission would be governed by the decision in the Manitoba case, and which is not necessarily in conflict with the dictum that was adopted by Chief Justice Strong and Judge Taschereau, of the Supreme Court of Canada. But, whether they adopt that view or the opposite view is to my mind a thing which is entirely immaterial. I would think it highly improper to interfere with their judgment about that. I believe that whatever decision they come to in respect of that will be in accordance with the policy of the law up to this date, and I fail to see that

Mr. RUSSELL.