

apart from the statute. Let us say that you have conferred upon it jurisdiction to deal in the most general terms with all matters affecting civil rights, or some equally broad expression; my suggestion is that inasmuch as general language of that kind would not take away from parliament the right to deal with questions concerning controverted elections, so a general expression of this kind, 'the good government of Canada,' would not interfere with the sole right of parliament to investigate and inquire into the conduct of its returning and deputy returning officers. That was the point I intended to convey. So my hon. friend, perhaps, will see that there was something in it that he has not yet touched. So far as controverted elections are concerned, he will remember that we have a statute which deals with that subject in the most express terms, not by any general language. What I suggested might be the construction of chapter 114 was that general language of that kind would not deal with the matters so intimately connected with the rights and privileges of the House as this matter does, and that he would require an enactment quite as expressed as the provisions of the Controverted Elections Act.

The MINISTER OF RAILWAYS AND CANALS.. I do not say that if we were dealing with a question which parliament had specifically delegated to another tribunal it would not be well for us to say that there had been a specific provision in the Act varying the jurisdiction, or creating another tribunal to make sure that parliament's intention was to confer a new jurisdiction upon it. I am referring to the case where it had already set up a special and distinct tribunal for hearing such a case, as, for instance, the case of a controverted election. I would not assume that under such circumstances parliament could be presumed to have given power under chapter 114 of dealing with the case of a controverted election, under a commission issued under the authority of that Act, but it is clear that the argument that the hon. gentleman makes would fail as parliament has set up no special tribunal outside of itself for the purpose of dealing with questions relating to the administration of the government of the country, or relating to the good government of the country. It has set up no special jurisdiction for hearing charges or complaints, or investigating matters of that kind. Therefore, the argument which might perhaps forcibly be made, if we were presuming to refer to a commission under chapter 114, a question relating to a controverted election would not apply in the present case at all. It is not a matter which arises out of, or is connected with, controverted elections in any way. It is not a matter which affects the seat of any member of this House, it is not a matter which would deal with the correctness of the return in any election.

Mr. BLAIR.

It is simply an inquiry for the purpose of ascertaining whether, having regard to the good government of Canada, the officers, and not the officers only, but the persons who had to do with these elections, were guilty of any fraudulent practices. That inquiry is made with the view, in the first place, I presume, of ascertaining if we could, how these acts and this conduct of these men could be prevented by further legislation, and in the second place, by taking steps for the punishment of the people who have been guilty of these acts. It seems to me, and it so seems to the Department of Justice, that the statute is abundantly broad to cover such a commission as we have here issued, that the commission does relate to an inquiry connected with the good government of Canada, and that it does not undertake to deal with a subject that parliament has delegated to another tribunal. It is equally true that parliament has the right, and parliament, under ordinary circumstances, alone, exercises the right to inquire into the conduct, if it desires to do so, of any department of the government, any act of administration by the government as a whole, or any minister of the government. Does any person say that a commission could not properly issue under chapter 114, for the purpose of investigating, inquiring into, and ascertaining the facts in regard to it, under this chapter, and could it be urged as a reason, as the hon. gentleman is urging, that no commission could exercise any such jurisdiction, that it would not have any such authority, because parliament could appoint a committee in the usual and constitutional course, for such a purpose? I think there would be no force in such an argument. I think it was manifestly the intention of parliament, when it passed chapter 114, to supplement the ordinary jurisdiction of parliament, by and through the government of the day, which it controls, that a commission outside and independent of parliament should be appointed for the purpose of holding such inquiries, of which this is one. Let me then proceed to the next clause. The hon. gentleman states in this resolution:

That for the purpose of indemnifying witnesses who may be required to answer, and who may have answered questions, the answers to which may criminate or tend to criminate them, the provisions of section 9, of chapter 10, of the Revised Statutes of Canada entitled 'An Act respecting inquiries as to corrupt practices at elections of members of the House of Commons,' should be made applicable to the proceedings of the said commissioners and to the witnesses examined by or before them.

I understand my hon. friend to contend that the powers contained in the Act which was introduced into this House and known, I think, as the Blake Act, should have been embodied in the present commission, or rather, that legislation should have been