

of the Committee. I think it is a logical means of arriving at a judgment. One great objection I have to the proposed course is that, having established a precedent in two cases, we should now depart from it. I think if we could adhere to the precedent in the case of Mr. Dickson it would be desirable to do so.

HON. MR. KAULBACH—I believe the course proposed by the leader of the House would be the best to adopt, only the evidence should be brought before the Committee. The Committee will probably report, with a recommendation that the party whose seat is inquired into should be notified, and then the matter can be referred to the Committee for further investigation if any evidence is given. We should recommend that the House give notice to the absent member, and then if he thinks proper to submit evidence the matter can be referred back to the Committee.

HON. MR. ALLAN—The question is just this: Is it necessary for the Committee to go behind the *prima facie* case which is laid before us by the statement of the Clerk? It seems to me we are bound to take the statement of the Clerk as it has been furnished to us, and decide upon that, and then, when that report is made to the House, ample time will be given to the hon. gentleman whose seat is affected to state whether or not he has anything to show why his seat should not be declared vacant; but I do not think, in the present stage of the case, as the hon. member from Richmond has pointed out, that we ought to go behind the *prima facie* case or ask for further evidence than that which has been furnished by the report of the Clerk.

HON. MR. ABBOTT—I am sorry that I have raised a question which has provoked so much difference of opinion in this House, but at the same time I must say the more I hear the matter discussed the more I am convinced that the proceeding which I would recommend to the Committee is the proper one. The Committee will observe that this case is not on all fours with the other two cases. In each of those cases the Committee actually took evidence as to whether or not the absent senator had notice that he was going to be proceeded against. In both

cases a member of the House arose in his place before the Committee and gave his evidence that the member who was about to lose his seat knew of the proceedings and was aware that his seat was vacant. That is one most material point in which this case bears no resemblance at all to the other two cases. In the case of Mr. Dickson what did the Committee do? They made up their minds on that evidence, and the evidence of the Clerk taken from the Journals, that the seat was vacant, and they recommended to the House "that the Hon. Walter Hamilton Dickson, one of the members of the Senate from the Province of Ontario, has failed to give his attendance, etc.; that this House, in pursuance of the 33rd section of the British North America Act, 1867, doth declare, determine and adjudge the said seat of the Hon. Walter Hamilton Dickson vacated." Did the House adopt that report? No. The House gave the Committee, as I understand it, a most distinct snub because the House refused to pass the resolution declaring the seat vacant until it had given notice to the member, in order that he might, if he had any evidence against it, come and show it; so it is plain that the Committee in this case, to my mind, stultified itself by recommending the House to pass a resolution without taking any evidence and without giving any notice (because that is the substance of it), or any delay. If the Committee had recommended that notice be given I would have considered that logical enough; but that a Committee should directly, and without taking any evidence at all, recommend the House to declare the seat vacant without having one tittle of evidence before it any more than the House had yesterday, it seems to me was illogical, especially as we find that that Committee had to obtain further information in some way as to whether or no the member had really absented himself, before the seat could be declared vacant. There is this variance between the two cases: In the one case the Committee had some evidence before it, had the declaration made by a member in his place that the senator who was to be excluded knew what was going on, and, therefore, the Committee was justified in recommending the House to pass a resolution declaring the seat vacant. But here we have no such justification; we are asked