

Beattie, Esq., to sit as member for the city of London, in connection with the said trial, vouchers and certificates and all correspondence relating thereto. I may say in connection with this that under section 41 of the Dominion Controverted Election Act, the judges are empowered to employ stenographers, and the expense thereof shall be considered as costs of the case and chargeable to the unsuccessful party. Section 43 of the same Act provides that the judges shall forward to the Speaker of the House of Commons a copy of the evidence or notes of evidence taken at the trial, and by an Order in Council dated 22nd December, 1875, the fees to be paid the registrar of the election court for a copy of the notes sent to the Speaker of the House of Commons shall be 10 cents per folio of 100 words.

Now, you would expect that with the liberal allowance of 10 cents per folio and with the system of type-writers now in use, whereby several copies can be made at one and the same time, no further charge would be made to the original cost. The stenographer engaged in connection with the London election trial was Mr. Nelson R. Butcher, and he was ordered by the judges to make a copy of the evidence. He did so, and presented an account for 7,962 folios at 10 cents per folio, or \$796.20. He also presented an account for \$180.60, being for twenty-one days employed as stenographer and travelling expenses in connection therewith, or a total amount of \$976.80, and the trial judges issued an order *ex parte*, without the knowledge of the petitioner, that this large sum of \$976.80 should be paid out of the \$1,000 deposited by the petitioner, and it was so paid. Then Mr. H. H. Robertson, registrar of the election court, and the son of one of the presiding judges, received a copy of the evidence from the stenographer, which he got for nothing, mailed the same to the Speaker of the House of Commons, and presented his account to the Department of Justice for a similar amount to that already paid. The Auditor General, when he received this account, refused to pass it for the full amount, but reduced it by 451 folios, or from 7,962 to 7,511, and the Government paid Mr. Robertson \$751.10 for a copy of the evidence that he had received for nothing, and which he had simply mailed to the Speaker of the House of Commons.

As I understand it, the expenses that shall be paid by the unsuccessful party, so far as the stenographer is concerned, are \$5 per day and travelling expenses, and that the charge for copying the evidence shall be paid by the Government, and when Mr. Robertson received from the Government this \$751.10, the petitioner certainly expected that the money taken from his deposit would be returned to him, less the expenditure of \$5 per day and travelling expenses due to the stenographer. But Mr. Robertson refused to return the money, and

the counsel for the petitioner applied to the trial judge on the 8th November, 1897 to hear evidence why this money should be returned, and the judges refused to hear evidence.

In order that the House may be placed in full possession of the facts, I must ask your attention, Mr. Speaker for a few moments while I read part of the correspondence, which will make it perfectly plain that an injustice was done in this case. The first communication was from the solicitors for the petitioner.

Sir CHARLES HIBBERT TUPPER. Will the hon. gentleman tell me what interference he suggests, either on the part of this House or the Government?

Mr. CALVERT. I ask that if it is at all possible this money should be returned and the Government should take some steps to have it returned. If not, we have an Order in Council of over twenty years' standing that I do not think is of any importance at present, and if nothing more can be done, we could have that amended or wiped out entirely, and in the future would not have expenses of this kind imposed on the petitioner or the Government.

Sir CHARLES HIBBERT TUPPER. Nothing, however, can be done in this case.

Mr. CALVERT. I am not sure of that. I will read part of the evidence, and the hon. gentleman can see whether the Justice Department can do anything or not.

London, Canada, November 10th, 1897.

The Right Honourable Sir Oliver Mowat,
Minister of Justice,
Ottawa.

London Election Petition.—Fewings vs. Beattie.

Sir,—We beg to say that we are instructed to write you as to the payment of the stenographer's charges in this case, under the following circumstances:—

The court stenographer at the trial of this petition was Mr. Nelson R. Butcher. Upon the fiat of the trial judge he received out of the petitioner's deposit \$976.80, of which sum \$180.60 were for 21 days' attendance and travelling expenses, and \$796.20 were for making copies of evidence. For this payment Mr. Butcher made and delivered to the registrar of the court, Mr. H. H. Robertson, three complete copies of the evidence taken at the trial of the petition, of which one copy is now at Osgoode Hall, a second copy is in the hands of the trial judges, and the third copy was sent to the Speaker of the House of Commons under section 43 of the Dominion Controverted Elections Act.

Mr. H. H. Robertson thereupon made out his bill against the Government for his services as registrar, in which he charged (under the tariff as fixed by the Order in Council of 22nd December, 1875) 10 cents per folio for a copy of the evidence, and it was allowed, and actually received from the Government, in addition to his charges—\$751.10 for a copy of the evidence (Auditor General apparently not finding as many folios of evidence as Mr. Butcher had charged).

The firm of Kerr, McDonald & Davidson, as well as ourselves, had some correspondence