

CALDWELL GIVES BAXTER A HIT

Caldwell Speech ... Gal. 1.
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Bearing

It was a Monday night—June 26—and in the last stages of a prolonged session. No doubt all parties concerned were feeling more or less peeved. But our Tom Caldwell was bound to have his say and he said it with characteristic vigor. The question concerned the election in Carleton-Victoria last December, when, it will be recalled, there was a subdivision of polls, made unknown to the Progressive candidate, and for which he claims to have been made fully acquainted with at a late date, and that for which he received proper lists only after a threat of injunction.

The following discussion is taken in full from the pages of Hansard:

On the Orders of the Day:
Mr. CALDWELL: Mr. speaker, before proceeding to the Orders of the Day I wish to refer to some remarks made by the hon. member for St. John and Albert (Mr. Baxter) on Saturday in which he misquoted what I said in the House on June 12.

Some hon. MEMBERS: Order.

Mr. CALDWELL:—and then proceeded to read a document—

Some hon. MEMBERS: Order.

Mr. CALDWELL:—and then proceeded to read a document in which doubt was cast upon my veracity.

Mr. SPEAKER: Order. The hon. gentleman is entitled to put a question and make a personal explanation before the Orders of the Day are called, but he must avoid attacking any other hon. member.

Mr. CALDWELL: I have no intention of attacking anybody. I simply wanted to clear up a statement made by the hon. member from St. John on Saturday as a question of privilege. In that connection I want to read the statement the hon. member attributed to me and then read what I actually said, leaving the House to judge as to whether the hon. member quoted me correctly. He was speaking of a statement I made in the House on June 12; it was with regard to an amendment I moved to the Dominion Election Act on that day. The hon. member was referring to a statement I made about a returning officer in my riding during the recent elections, and this is what he said:

"He was charged—

"That is the returning officer, he meant—

"He was charged with having made electoral subdivisions which were not warranted by law."

Now I wish to quote what I actually said:

"Last fall, I learned quite accidentally one evening, just two weeks prior to the election, that five new polls had been established in my riding."

That is the only reference I made to the establishing of the new polls. I did not say they were established illegally because I knew better. While I am not a lawyer possibly I know the Elections Act quite as well as my hon. friend from St. John, due to the fact that I was in this House when it was passed. I opposed some of the provisions of that act very strenuously and was convicted last fall that I was justified in doing so.

Mr. SPEAKER: I think the hon. gentleman has stated his case fully.

Mr. CALDWELL: Mr. Speaker, I am speaking of personal questions brought up when Orders of the Day are called, that it is the usage in both Houses of the Canadian Parliament to make personal explanations and ask questions of the Government. They make them in reference to an inaccurate report of their speeches in the official report, or in newspapers, but they must not engage in discussion or further explanation. The hon. gentleman has stated that he has been misquoted. He has read what he said in the House and what the hon. member for St. John had said. Now the House must judge of the incident, which is closed and no further argument can be allowed.

Mr. CALDWELL: May I be allowed to quote further from the hon. gentleman's speech to show that he made a misstatement later on in his remarks.

Mr. SPEAKER: Order. Orders of the Day.

Mr. CALDWELL: Have I not a right, Mr. Speaker, to quote further from the hon. gentleman's speech to correct another misstatement?

Mr. SPEAKER: I do not think it is really necessary. The hon. member has presented his case from his point of view. He has given a quotation of his own statement, and has also quoted a statement by the hon. member from St. John. Now the incident is closed.

Mr. CALDWELL: But I am rising

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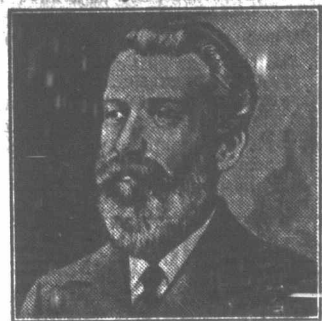
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to a question of privilege.

Mr. SPEAKER: Order.

Mr. CALDWELL: I have only explained one incident. The hon. member for St. John also charged that I had stated a falsehood in the House.

Mr. STEVENS: I rise to point of order.

Mr. SPEAKER: Is the hon. member speaking to a point of order?

Mr. STEVENS: My point of order is this: I bring to your attention the fact that when the hon. member for St. John first attempted to make his statement he was ruled out of order by you, Sir, and I think quite properly.

On the second occasion that he made his statement he was again ruled out of order, after proceeding for some short space, by the Chairman of the Committee of the Whole. Consequently he had not the opportunity of finishing his statement. Therefore, I submit to you, Sir, that it would be highly unfair to have another hon. gentleman debate further the hon. member's statement which was not completed.

Mr. CALDWELL: May I speak to the point of order? I submit that it is quite a different thing to rule an hon. member out of order when he is replying to an attack by another hon. member and seeking to establish the fact that he was misquoted, and false accusations of making a false statement in the House.

Some hon. MEMBERS: Order.

Mr. CALDWELL: I will leave the House to judge if I am not taking the right course.

Mr. BAXTER: The hon. gentleman has already misquoted me. I was careful to say that I was quoting from a letter signed by the gentlemen he had attacked in the House. I made no statement about the hon. member himself because I have no personal knowledge of the circumstances.

Mr. SPEAKER: No hon. member can use the expression "false" or "falsely" in speaking of another hon. member. It is not parliamentary language and I would therefore ask the hon. member from Carleton, N.

B. to withdraw the expression.

Mr. CALDWELL: Mr. Speaker, I gladly withdraw the expression if it is misconstrued in any way. I desire to state, however, that I did not accuse the hon. member himself of making a false statement; I said he read a document "which falsely accused me of making a false statement in this House."

Mr. SPEAKER: I have given my ruling and I am now in the hands of the House. I rule that the incident is now closed. It has been fully explained by all parties.

Mr. CALDWELL: Before you leave the Chair, Mr. Speaker, I would like to continue the discussion which was proceeding when I was ruled out of order recently. I had stated that the hon. member from St. John and Albert (Mr. Baxter) quoted a statement I made on the 12th of June. I read what he said and I read what I said myself, and I am willing to leave the House to judge of the matter. In regard to the making of the list, I want to quote what the hon. member said. During the reading of this document he interjected this remark:

"There comes a very distinct issue of veracity between the hon. member and the returning officer. I know nothing of the circumstances. I do not know anything personally of the circumstances now, except as I have heard the statement made in the House and as I have, in my possession, a statement differing very widely in practically all respects, of the returning officer."

He has qualified that again by saying—

"I cannot of course vouch for a single statement I am reading."

I am not in the same position as the hon. member for St. John. I am not going to make a statement I cannot vouch for in this case. I did not make a statement on the 12th June that I could not vouch for and could not prove in any court of the land and I do not propose to make a statement now which I cannot vouch for. I was quoting what I did say on that occasion with regard to preparing the list and will leave the House to judge whether the returning officer's statement differed from mine. I was speaking of the necessity for the polls created in my riding. I said:

"I went to the returning officer to inquire if it was a fact that those new polls had been established, because I had no notice of the enumerators, and he said that it was."

I asked him if he had his enumerators and who they were. He said: "No, I do not propose to appoint any."

I asked him how he proposed to get a list of those polls and to furnish it to the candidates on nomination day. He said that he did not propose to have a list for each polling division. He was subdividing one polling division into four. He said that he was going to have them all prepared as one list and revised as he saw fit. We will provide a copy of each poll for the deputy returning officer on election day, but no lists will be prepared for the candidates."

I want to quote from the document the hon. member read on Saturday night and I will leave the House to judge. The hon. member for St. John read from the document prepared by the returning officer as follows:

"He further says that he did not at that time want to appoint new registrars who would be unfamiliar with the duties, and that he proposed to allow the existing registrars to make up his list for the entire division in the usual way and then subdivide it geographically for the use of the deputy returning officer in the separate polling stations on election day."

That is identical with the statement I made on the 12th June. I wish to deal very briefly with this, because I do not wish to impose on the good nature of the House at this hour of the night and at this stage of the session, but I think it is due to myself that I should clear up this matter. This is also from the statement as read by the hon. member from what is supposed to be a document sent to him by the returning officer for my riding. He said that the hon. member's further statement that the hon. member threatened him with an injunction is quite surprising. At no time during the election did either candidate threaten him in any way, and so far as he was aware, the conduct of the election from the returning officer's standpoint was satisfactory to all parties concerned. He says that it

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was surprising to learn that the hon. member had to put an injunction on the election."

At this point I rose to a point of order and I said:

Mr. CALDWELL: "I rise to a question of privilege. I never said that I had to put on an injunction; but I had to threaten to do so, and I can prove this by the attorney whom I employed."

I wish to read a telegram from an attorney whom I employed on that occasion. I wired him on Saturday night to verify the threatened injunction and this is the telegram which I received from my attorney. This gentleman is well known to the members of the House from the maritime provinces and his veracity would not be impugned. His name is W. P. Jones, barrister, of Woodstock, N. B.: Woodstock, N. B., June 25, 1922.

Thomas W. Caldwell, M. P.,
House of Commons, Ottawa, Ont.

Last Dominion election you instructed me to apply for an injunction against the returning officer unless lists of new polls established by him were furnished without further delay. I telephoned returning officer that I would take legal action if lists not supplied. He referred me to Hayward his solicitor who undertook to furnish same."

W. F. Jones.

Now, in that statement read by the hon. member Saturday night and in his comments he stated the returning officer had submitted these things to the Chief Electoral Officer and had his sanction to do this. The returning officer also showed me these letters from the Chief Electoral Officer in his office, which showed that he had spent more time in corresponding with the Chief Electoral Officer to get authority to evade the Election Act than it would have taken to have made the lists because he had had several interchanges of letters with the Chief Electoral Officer, and he read them to me in his office. I said, "I do not care what the Chief Electoral Officer told you to do about the list. He has authority to instruct you to establish a new polling division. You must make the list according to law, and I want to quote what the law says about appointing officers and making lists."

"I was not finding much fault because he did not appoint new registrars. It might have caused some inconvenience, but I was particular that we should have the lists and have them according to law."

I want to read what the law says about appointing registrars and making lists. Page 93 of the Dominion Elections Act, section 32, rule 1, reads:

"Rule (2) immediately after the receipt of the writ the returning officer shall appoint by writing, in Form No. 5 one person only to be registrar of voters for each rural division. Whenever a competent person can be secured who is a resident within the limits of the polling division such person shall be appointed and only in case of necessity shall a registrar be selected from an outside polling division."

Now, Mr. Speaker, I hardly think Continued on page 6)

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