

Sir JOHN A. MACDONALD. Hear, hear.

Mr. EDGAR—with the person at the Bar or with his counsel. There would be no end to it. There would be a perpetual wrangle over every question. I do not know whether that is the object with which the hon. gentleman made the proposal to introduce counsel, but I suppose the motion will carry, and I predict that that will be the result, at any rate. The time of the House will be delayed and objections, perhaps trivial ones, will be raised. We will make no progress, and we may be here till the fall discussing this question. Now, the First Minister spoke of its not being in accordance with English precedent for a person examined at the Bar not to be attended by counsel. Does not the First Minister know that now a days criminals are not examined under the English law—are not called upon as witnesses, and, therefore, it is not until this witness is asked the questions to be propounded to him by the House that we shall know whether he is guilty or not guilty. He may exonerate himself altogether, or he may think he has done so, and then will be time enough to call on counsel to assist him.

Sir JOHN A. MACDONALD. Hon. gentlemen have rather retrograded from the liberal principles they formerly fought for. In 1873, when Mr. Bell, returning officer, was brought to the Bar he was asked his name, and if he was returning officer. He answered both questions, and he then applied for leave to have counsel, and the House unanimously agreed that he should have counsel. They were not at all alarmed that the whole time of the Session until autumn would be taken up, and I have no doubt, from my recollection in looking at the Journals, that the time of the House was saved. I shall read the entry in the Journals:

"The Order of the House of Monday the 10th March, inst., for the attendance at the Bar of this House, of Richard James Bell, Esq., returning officer at the last election for the electoral district of Muskoka, to answer for his return to the writ of election for the said electoral district, being read;

"The Sergeant-at-Arms reported that, in obedience to the Order of the House, Mr. Bell was in attendance.

"Mr. Bell was then called in, and at the Bar examined, as followeth:—

"By Mr. Blain:—

"1. What is your name, residence and occupation?—My name is Richard James Bell; my residence is Bracebridge; my occupation is clerk.

"2. Were you the returning officer at the last election for a member to represent the electoral district of Muskoka in the House of Commons in Canada?—I was.

"The witness then requested that he might be allowed the assistance of counsel.

"On motion of the right hon. Sir John A. Macdonald, seconded by Mr. Duguay, leave was granted to the witness to be assisted by counsel."

There was no discussion upon it all. The Liberals of that day saw the justice of the request, and it was granted without a word.

Mr. ARMSTRONG. It may seem presumptuous for a humble layman to express any opinion on a question of this kind. Still, I wish to use my undoubted right, as a member of this House, to say that I cannot agree with the objections urged against the resolution. They seem to proceed on the assumption that the statement of the gentleman who stands at the Bar is going to prevail, and that he is going to be allowed to refuse to answer questions that may be put to him by this House. Now, Sir, if I understand the matter rightly, he has been summoned to answer those questions by the House, and I have full confidence that the House will maintain its own dignity by compelling him, if he refuses, to answer the questions that may be put to him. Then as regards the merits of the case, the gentleman stands here not only to answer for the procedure in the case of the election, but, if I understand aright, he stands here to answer for his own conduct in the matter, and the humblest criminal in the land, under these circumstances,

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would be allowed to have counsel. I, Sir, for one, am not going to do anything to deprive him of that privilege.

Mr. MITCHELL. I do not at all take exception to the position taken by the gentleman who last spoke. But it is as to the time of granting this privilege that I take exception. When the gentleman at the Bar is put on trial—if he is put on trial—then is the time to ask the House for counsel, and then the House will concede it. But the special pleading of the right hon. gentleman in referring to the authorities read and submitted by himself on a former occasion, and the special pleading of the Minister of Justice and the Secretary of State upon this subject—what does it all mean? It goes upon the assumption that this man is upon his trial. Sir, he is not on his trial.

Some hon. MEMBERS. He is.

Mr. MITCHELL. No, he is summoned to this House to give a statement of facts. He is not on trial, and if the examination which this House will put him through should prove that he has been guilty of a gross violation of the law, I hope that he will then be put on trial, and if he is he will be in a position to ask the House for the aid of counsel. But divesting this question of all the legal flummery which legal gentlemen on the other side have thrown about it, the case stands thus: What appears on the face of the documents laid before this House is a gross act of injustice, an act against the liberty and freedom of the election law. That is what appears *prima facie*, and, upon a report of a committee of this House, the returning officer was summoned to be brought to the Bar, to give an explanation of his conduct and acts. We do not want to try him with a view to punish him, if guilty, but what we do want is information. That information we have the right to get, and to get it, it is not at all necessary that the person at the Bar should employ counsel, nor is it desirable, in the interests of the procedure of this House or in the despatch of public business, that he should have counsel, and, therefore, I shall vote for the amendment.

Mr. DAVIES. I do not propose that my position in the matter shall be misinterpreted. I, for one, do not object that the person at the Bar, if any charge were brought against him in the course of these proceedings, or any question asked him to the form of which he objected, should have counsel if he applied for counsel. What I objected to in the first instance was that the person at the Bar comes here and challenges the jurisdiction of the court. This House having already argued the case, and decided upon it, I did not think it would be consistent with our dignity that we should re-open it and argue it again. I do not think the case is arguable; I do not think hon. gentlemen opposite think it arguable; and, therefore, the demand made by the person at the Bar seemed to me to be merely trifling with the House. He did not ask for counsel to advise him as to the question, or as to the proceedings. He merely asked for counsel to protest against his being here at all. This House has already decided that question, and I say that it would be derogatory to our dignity, after having decided it once, to re-open the whole question now, and determine whether this officer of the House should answer a single question or not. He was asked one question: "Are you the returning officer?" And he says: "I want counsel to advise me whether I should answer that or not, and to protest against the whole proceedings."

Some hon. MEMBERS. No, no.

Mr. DAVIES. I am sorry that hon. gentlemen opposite dissent, for his language was clear and distinct. He says: "I ask for counsel to protest against the proceedings of this House." If there is any doubt about it, I would ask the Clerk to read the answer made by the person at the Bar