

and their partners from practising before the Committees.

Mr. MEREDITH understood that a practice prevailed of partners or members of the Government appearing in the courts in connection with Crown suits. Although he did not believe that anything improper had occurred under the system, yet he hoped the practice would not be continued, as members of the House should be above suspicion.

Mr. LAUDER called attention to the fact that partners or members of the Government promoted the obtaining of charters before the Lieutenant-Governor in Council.

Mr. MACDOUGALL was prepared to leave the question involved in the statements of the members for London and East Gray to the judgment of members of the Government, believing that the present practice would be discontinued when the Bill had passed.

On Clause 10,

Mr. HODGINS called attention to the omission to provide for a petitioner in election petitions. He moved the omission of the words "a violation of the sixth section of this Act."

Mr. MOWAT explained that the procedure under ordinary election petitions would apply to those cases. The trial of any hon. member charged with improperly receiving fees by a judge would be more satisfactory to the public and the Legislature than if conducted by the House itself.

Mr. MACDOUGALL said he thought that in making this House and giving it powers so large, they were making an innovation upon the powers and practices heretofore enjoyed by the House. He considered that so large an authority to be exercised by a bare majority of the members of the House in the way of punishing persons coming within the scope of the Act, was assuming a new, dangerous, and unconstitutional power. It was putting into the hands of what might be a partizan majority a power which he thought should only be exercised by, say, a two-thirds majority. He thought that no case of real infringement of the provisions of the law would arise in which two-thirds of the members present would not be found to vote for awarding the punishment due to the offence. He intended offering an amendment to that effect.

Mr. MOWAT said that he had no fear of any improper exercise of the powers granted to a majority of the House by the Act, no matter what political party might be in power. The hon. gentleman had spoken as if this power was a new one; but he (Mr. Mowat) could not find in any legislative body such a provision as the one which the hon. gentleman proposed to substitute for it. This power given to a majority of the members of the House was one which the English House of Commons had enjoyed hundreds of years ago.

Mr. MACDOUGALL said there was no parallel between the English House of Commons and this Assembly.

Mr. MOWAT said that the hon. gentleman seemed very fearful that this House should have any importance or weight attached to it which did not belong to it. He, perhaps, was thinking of the possibility of his present friends coming into power, and wished to keep them from forming too high an estimate of their importance. This House in many respects dealt with more important questions than at the time of the Union, and he did not see why it should be deprived of any of the privileges which pertained to the House at that time. The privilege which the hon. member had referred to was one which had been contended for by the English House of Commons as essential to the right discharge of its duties. We found that by the British North America Act the right to constitute any court, civil or criminal, was conceded to this Legislature, and he thought it desirable that this right should be exercised. He could not see that we were less able to take care of our privileges or more liable to abuse them than the English House of Commons, for a larger proportion of our people were reading and thinking men than in England; while in point of morality they stood just as high as in the old land. These privileges had worked satisfactorily and beneficially in bodies similar to this.

After some discussion,

Mr. FRASER said he could not see why there was any more risk in conferring such power to a majority of this House than in allowing it to be held by a majority of any other Parliamentary body. He did not think the day would ever arise when a bare majority in this House would undertake to do an act which violated justice. Public opinion

was too strong to allow it.

Mr. MEREDITH said according to this Bill if the Courts declared that a member was not guilty, this House could say he was, and could expel him. If this House could deal with these questions, what was the use

Mr. MOWAT said he did not wish to assume to take more power than the House of Commons in England or at Ottawa.

Mr. MACDOUGALL (Simcoe) said this House had no more power than a County Council, and he denied that this House should assume to act as the great legislative body of the Empire could act. Such cases as those of W. L. Mackenzie and Wilkes had raised popular indignation, and he objected to the proposal to adopt this provision at this day. This House could create a court, but it could not appoint judges. This Bill proposed to make this House a court, and to appoint the members judges. He believed the power proposed to be given would result in abuses. The power had been transferred to the courts of law in order to avoid these abuses, and yet the Government now proposed to resume judicial functions in a more dangerous matter. The proposal was unconstitutional, improper, and unnecessary. He begged the Government to limit it at least to a vote of two-thirds of the members present.

Mr. MOWAT said there was as much possibility of having a minority which would refuse to do what was right as a majority which would do what was wrong. There was no danger of expulsion taking place unless it was right. Every power possessed by this or any other Legislature might be abused, but he had no apprehension that this power would be abused, no matter who formed the Government.

Mr. HODGINS said in England there was no disqualification attached to expulsion, but it was here proposed to disqualify a member. He quoted a judgment declaring that Colonial Legislatures had power to expel members.

Mr. SEXTON asked if the Act was unconstitutional, and whether it would not be so in regard to a two-thirds majority as well as in regard to a bare majority. (Hear, hear.)

After further discussion, the clause passed. Progress was then reported, and the House adjourned at 2 o'clock.

SECOND SESSION.

The Speaker took the chair at 3 o'clock.

ESTATES BILLS.

A number of reports were read from the Commissioners on Estates Bills.

They were ordered to be placed on the journals of the House.

REPORTS.

Mr. Clarke presented the third report of the Committee on Printing.

THE ELECTION LAW.

Mr. MOWAT moved for leave to introduce a Bill to amend the Act respecting the election of members of the Legislative Assembly and the trials of such elections. He said the object of the Bill was to endeavour to correct some things in the Election Act which the experience of the late elections and of the election trials of the past year had suggested required correction. They proposed to adopt some of the provisions of the Dominion Act, which had been passed after our Act. One of these was that the security on an election petition should not be by a bond but by a deposit of money. Then again, it was not desirable that petitions should be filed *male fide*, without any foundation or any positive belief by the petitioner that there was any foundation. (Hear, hear.) He thought that it was a very reasonable protection to candidates that the petitioner should be required to file an affidavit with his petition saying that he believed the statements in the petition to be true; and also that when the particulars were filed there should be the same verification (Hear, hear.) The evils connected with the working of the Act had been the subject of investigation by a Committee of the House of Commons, and had also been the subject of discussion in England, and several suggestions had been made, some of which they had thought worth their while to adopt. By the present election law the election trials took place before one of the judges, who had the deciding of all questions of law and of fact, subject to appeal, practically only so far as matters of law were concerned. The questions thus decided were of immense importance, affecting as they did not only the seats of candidates, their rights and position, but the possibility of their disqualification for a seat in the