

Kirkland also offered Balfour to pay him \$1,000 or \$1,200 to speak against the Government, and on the 17th March, Wilkinson gave Balfour \$800 and promised to give him \$700 after the vote was taken on a resolution expected to be moved by the Opposition.

33. Negotiations had also been renewed with McKim, and \$1,000 was given to him on the 16th of March by Wilkinson, after Stimson alias Lynch had on the previous day endeavoured to get McKim to bet on Dowling's vote.

34. Negotiations were also entered into with Lyon for the purpose of securing his vote. McKim, at Wilkinson's request, first spoke to him on the subject of his vote and

ARRANGED A MEETING

between him and Wilkinson and Meek. Lyon's election had been protested. At a meeting with Wilkinson and Meek, when McKim was also present, Lyon was asked if he would vote against the Government on a resolution in regard to their timber policy if brought up as a vote of want of confidence and Meek said if Lyon would carry that out he would

WITHDRAW THE PETITION.

Lyon wanted some security for the withdrawal of the petition and Meek said he would give Bunting, and Lyon was told by McKim, in the presence of Wilkinson and Meek, that Bunting had agreed to see that the protest was withdrawn.

35. Lyon and McKim both signed what was termed a

ROUND ROBIN,

pledging themselves to vote against the Government.

36. Corrupt offers were made also to Dowling by Wilkinson, who wanted him to

VOTE AGAINST THE GOVERNMENT

and resign his seat; the petition against his election would be withdrawn and the expense he had been put to would be recouped, and for voting against the Government he was to get \$2,000 and after he had resigned his seat \$2,000 or \$3,000 if he did not interfere against the candidate who should run. Wilkinson

WANTED HIM TO SEE BUNTING

to arrange to have the protest withdrawn. Dowling saw Bunting, who said if he would assist in the formation of a coalition and vote against the Government and resign his seat they would recoup him his election expenses, and they could afford to give him \$2,000 or \$3,000. Wilkinson took Dowling to Stimson alias Lynch, who

WANTED TO BET \$2,000

that he would not vote against the Mowat Administration. And on the 15th March Wilkinson and Kirkland in company endeavoured to induce Dowling to vote against the Government. 37. All the persons to whom offers of money and situations were made, communicated them to some members of the Government, and had no intention of accepting for themselves any of the things so offered. And McKim and Balfour immediately upon the receipt of the money given to them

DEPOSITED IT WITH THE SPEAKER OF THE HOUSE.

38. In regard to the charge made by Mr. Meredith against Messrs. Fraser, Pardee, Hardy and Mowat, the Commissioners are of opinion that the evidence wholly fails to establish it. All the witnesses who speak on the subject, with one exception, show that the advice of these members of the Government to the persons to whom offers were made, was

TO BE PASSIVE,

to see how far the persons making the offers would go. That is the evidence of these members of the Government themselves; it is the evidence also of the persons to whom they gave the advice. The only conflicting evidence is that of the witness Vickars, who says he heard Hardy say to Fraser, "If our little scheme with Balfour works we will fix them." This was distinctly denied both by Hardy and Fraser. The commissioners think that Vickars was either under a mistake as to the persons who were speaking together or that

HE WAS TELLING AN UNTRUTH.

They were not favourably impressed with the manner in which Vickars gave his evidence, and do not credit his testimony.

39. The commissioners further find that the persons so advised acted upon the advice. They made no advances to those who were endeavouring to corrupt them. The advances were made to them and they suffered them to be made, with the view of procuring evidence sufficient to prove the offence of a

CONSPIRACY TO BRIBE THEM.

40. The evidence does not show that the money given to McKim and Balfour came from any other source than Wilkinson or Stimson.

41. Nor does there appear to be any reason for supposing that any of the Conservative members of the House of Assembly attempted to use improper means to induce the members on the other side of the House to change their votes.

42. The Commissioners have arrived at the foregoing conclusions after a

CAREFUL CONSIDERATION OF THE EVIDENCE, and having had the advantage of hearing able argument by the Counsel who appeared before them.

All of which is respectfully submitted.

(Signed)

W. PROUDFOOT,

Chairman.

E. J. SENKLER,

Commissioner.

Osgoode Hall,

Toronto, 8 Jan., 1885.

I concur in reporting proceedings and evidence, would prefer a distinct statement as to the persons against whom evidence may be read and respectfully decline giving an opinion or finding as to offences proved.

(Signed)

A. F. SCOTT,

Commissioner.

Brampton, 8 Jan., 1885.

COPY OF MEMORANDA ADDRESSED BY JUDGE SCOTT, ONE OF THE COMMISSIONERS TO VICE-CHANCELLOR PROUDFOOT, CHAIRMAN OF THE COMMISSION.

[MEMORANDA]

The Commission, dated 12th May, 1884, issued under provisions of R. S. O., cap. 17 and 47, Vict. Cap. 4, is "to enquire into and investigate the charges of bribery and conspiracy set forth in the statement made to the Legislative Assembly by the Hon. the Attorney-General on Monday, 17th March last, or any attempts to corrupt the members of the said Assembly, and into all other matters and things which in the judgment of the Commissioners relate thereto or affect the same."

The statement of the Attorney-General referred to alleges that he is credibly informed and believes "that divers persons, including Christopher W. Bunting, John A. Wilkinson, Edward Meek, F. S. Kirkland, and one Lynch, have entered into a conspiracy to accomplish the defeat of the Government in this House by corrupting members of this House to vote against the Government and Government measures; that for the purpose of corruptly influencing the votes of members of this House, the said five persons have at divers times during the present session of this Legislature approached several members of this House with money, offers of money, promises of offices in the gift of the Dominion Government, and promises of other personal advantages to such members," and then proceeds to specify acts of corruption or attempted corruption, and members approached.

These particulars need not be mentioned, as the Commissioners have admitted all the evidence that was offered tending in any way to inculpate the said five persons, or any of them, in any offence coming within any of the general charges made.

The Crown, or the Government assuming to act on behalf of the Legislature, took the conduct of the enquiry, and the Commissioners therefore felt that they were

NOT CALLED UPON TO ASSUME ANY RESPONSIBILITY

for the production or omission of evidence, or giving of notices other than general public notice of the proceedings.

The Commissioners announced at an early stage of the proceedings that the evidence would be confined to the general charges against the five persons named unless specific charges of offences within the scope of the enquiry authorized by the Commission should be formulated against some other person or persons.

Mr. Meredith afterwards formulated the charge "that members of the Government, Messrs. Fraser, Pardee, Hardy, and Mr. Mowat knowing that attempts were being made to corrupt members of the House, induced members of the House to approach the persons who are said to have been engaged in this work for the purpose of inducing them to make corrupt offers and to endeavour to entrap others not engaged in the matter into the same criminal acts," and particulars of the names of the persons so approached having been demanded and ordered, the names of "J. A. Wilkinson, Edward Meek, Christopher Bunting, and F. S. Kirkland," were given.

The enquiry was limited to the charges mentioned in the statement of the Attorney-General and that formulated by Mr. Meredith, no other person having been charged, in proper form, with any offence that could be enquired into by the Commissioners.

THE COMMISSIONERS MET

on 5th June, and held their first public meeting on 14th June, "for the purpose of opening the Commission, announcing the time for proceeding with the enquiry, and giving directions as to the mode of procedure," of which notice was advertised in THE GLOBE and "Mail" from 6th to 14th June.

The sittings of the Commission for the purpose of proceeding with the enquiry was held on 14th July. Notice thereof, and that "the names of all witnesses were known, are to be left with the clerk at his office, on or before the 4th day of July instant," was published in the "Mail" and GLOBE from 17th June to 14th July.

This sitting continued until 18th July inclusive, when the Commission was adjourned until 1st September, and sat on that day and the day following, then adjourned until 2nd October, and sat on that day and the 3rd, 4th, 6th, 7th, 11th, and 13th days of the same month, on which last date the evidence and arguments were closed, and the decision of the Commissioners reserved.

THE FIRST QUESTION TO BE DECIDED IS,

Who are properly before the Commissioners?

The Act 47 Vict., cap. 4 (sec. 46, sub-sec. 4), enacts that "no action shall be taken against any person founded upon evidence given by any witness, unless it appears that such person had an opportunity of appearing before the Commissioners and cross-examining such witness either at the time he was examined in chief or subsequently, and that such person had also an opportunity of calling witnesses in his own behalf."

Upon the evidence taken under the Commis-