

Hudson on a cross-petition to make any charges other than those personal to his opponent. If it was, as the hon. gentleman seemed to think, a serious matter to make a charge against a returning officer, it was a still more serious thing to make a charge against a member of the House. Yet, according to a precedent set under the hon. gentleman's own Premiership, the House had referred charges made against a member of the House to be dealt with by the Privileges and Elections Committee. He proceeded to quote the case from the journals of 1884, and had not gone far before the name John Charles Rykert occurred, for it was against that well-known politician that the charges then investigated were made. There was an involuntary "Hear, hear" from several members, which caused Mr. Meredith to stop short and to remark in an impressive way that he had supposed they were dealing with this matter as a judicial body. Why he objected to the "Hear, hear" as a greeting to Mr. Rykert's name he did not explain. The Attorney-General, proceeded Mr. Meredith, said there were means by which this could be dealt with by the courts. This, he declared, was begging the question entirely. Under certain circumstances in the Dominion when an election trial had taken place a commission might issue for the very purpose of inquiring into the election in order that if persons had been guilty of wrongdoing they might be punished. He drew a distinction between this case and a criminal trial in this, that in the criminal case a specific charge must be made against a particular person. But in the case of irregularities in elections it was enough to show that irregularities had occurred to make it necessary to investigate so as to find the guilty parties. He demanded to know if it was not a justification for investigation that, though 93 ballots had been found in one box marked for Mr. Hudson, 105 men had come forward declaring in the most solemn way that they had voted for Mr. Hudson. The Attorney-General brushed these declarations aside on the ground that they would not be received in a court of law. Quite true, but every one of the men making such a declaration was liable to punishment if he had spoken falsely. If the Attorney-General would declare that he would make a reference to one or more judges he (Mr. Meredith) would agree to a unanimous vote, but he could not accept the proposal made. The Commissioner of Public Works, who would follow him, would say the case of Mr. Rykert was not a precedent, as Mr. Rykert had asked for the investigation. But the charge which he asked to have investigated was not the charge referred to the committee. In the course of the debate on the subject Mr. Hodgins, an eminent authority on election law, then a member of the House, declared that the proper course was upon the statement made by a member of the House to make a reference to the committee.

Mr. Fraser's Reply.

Mr. Fraser spoke briefly in reply. It would be most unwise, he said, to refer this case to a committee as asked. He said Mr. Meredith had evidently begun with judicial calmness, but had forgotten toward the close of his speech that he was to regard the matter in that way and had shown considerable warmth. If the mover of the resolution really wanted an investigation he should have brought the matter up earlier. The House resumed after the recess on the 10th March, and this notice first appeared on the order paper on the 26th. It was first moved on the 10th April, the Government having in the meantime asked only one postponement, Mr. Hudson neglecting two opportunities to move it. How could this question be fairly dealt with by the committee in these closing days of the session? No witness could be examined until next week, and all that could be done this session would be to examine a few witnesses on one side. In the previous

part of the debate the leader of the Opposition said he would prefer a commission to the Committee on Privileges and Elections, but now he turned his back upon himself. Coming then to the case of Mr. Rykert in 1874, Mr. Fraser declared that it had no bearing on the present case. He drew a distinction between making a charge against an outsider and making a charge against a member of the House. In the latter case the member making the charge must prove his charge or submit to censure and perhaps to expulsion. He went on to quote the case, showing that Mr. McKellar had made certain charges against Mr. Rykert on the platform and challenged contradiction in the House, that Mr. Rykert asked for an investigation of these charges and that on motion of Mr. McKellar, seconded by Mr. Fraser, other charges were added and the whole sent to the committee. Mr. Fraser insisted that the charges, investigation of which was asked for by Mr. Rykert, were covered by the reference. Against all this the present was a case not affecting a member's seat and involving no penalty if the accuser failed to make out his case. As to the contention that certain people had sworn that they had marked their ballots for Mr. Hudson, Mr. Fraser said according to the law as interpreted in the Haldimand case the committee could not ask a man how he voted, that the ballot and not the testimony of the voter was the evidence to be taken. Mr. Meredith denied this, but Mr. Fraser insisted upon it. The two lawyers had a lively passage-at-arms over the question, but the authorities were not

at hand and the case could not be quoted. Taking up the declarations, Mr. Fraser showed that they were upon printed forms, that nineteen of them were made by people who could not sign their names, and there was nothing to indicate that the matter had been explained to them.

Mr. Meredith again stated his position that if the Attorney-General would undertake that a commission should issue to investigate the charges made the motion would be withdrawn. In reply to a question, he said the commission must issue upon the material before the House.

Mr. Mowat reiterated his willingness to have a commission issue upon specific charges being made and prima facie evidence presented.

The motion was put, several members saying, "Call in the members," showing that they intended to have a recorded vote. The members were called in and the Speaker rose to read the resolution. There were cries of "dispense," and the motion was put without reading. When it came the turn of Mr. Campbell of East Durham to vote, he rose and explained that he had not heard the resolution and therefore could not vote. The count of the vote showed 51 in favor, of amending the motion as Mr. Mowat had proposed and 31 against it. "Shall the main motion as amended be adopted?" asked Mr. Speaker. "Read," said Mr. Meredith. The motion was read and the voting proceeded. On this division Mr. Campbell voted in favor of the Attorney-General's proposition. There were thus:—52 yeas to 31 nays. The following is the division list which, except for Mr. Campbell's vote, was the same as the first list:—

YEAS.—Allan, Awrey, Balfour, Baxter, Bishop, Blezard, Bronson, Caldwell, Campbell (Durham), Carpenter, Charlton, Clarke (Wellington), Cleland, Connee, Dack, Davis, Dowling, Dryden, Evanturel, Ferguson, Field, Fraser, Gibson (Hamilton), Gibson (Huron), Gilmour, Harcourt, Hardy, Lockhart, Loughrin, McKay (Oxford), McKay (Victoria), McKechnie, McKenzie, H., McMahon, Mack, Mackenzie, C., Moore, Mowat, O'Connor, Paton, Porter, Ray-side, Robillard, Ross, Sharpe, Smith (York), Snider, Sprague, Stratton, Tait, Waters, Wood (Brant)—52.

NAYS.—Barr, Bush, Campbell (Algoma), Clancy, Clarke, H. E. (Toronto), Dunlop, Glendinning, Godwin, Hammell, Hiscott, Kerns, McCleary, McColl, McLennaghan, Magwood, Marter, Meacham, Meredith, Metcalfe, Miscampbell, Monk, Preston, Reid, Rorke, Smith (Frontenac), Tooley, White, Whitney, Wilmoughby, Wood (Hastings), Wylie—31.