

ernment through drawing salaries from this Government should prevent these Judges from accepting any such position, and I believe they will. (Applause.) While we have this unfailing respect and desire to uphold the judiciary of the Province, we on this side of the House will not allow ourselves to be prevented from discussing any public question with regard to the people whose actions may be under discussion at any time when, in the public interest, we believe it to be our duty to do so. We will assume that responsibility, and we will abide by the consequences, and I again repeat to my friend, I implore him to-day to think twice before he attempts to drag into the public arena the Superior Court Judges of Ontario, and I tell him if he does the probability is that he will act in a way that will do perhaps lasting harm and injury to that very deserving body of men. (Applause.)

#### Banishment.

He says there will be no delay by adopting the commission, but I ask for what reason the Legislature should be banished for the next three weeks, and I tell him that on this side of the House we will not consent to banishment at his behest while his trial is going on, while the Judges appointed by him are sitting with reference to the charges made by my hon. friend. Whatever he may choose to do in the immunity which he has enjoyed, having reference to the confidence he always has in the wisdom of his own actions, that we will have to submit to if voted down. I tell him that if he attempts to padlock and bulldoze this House for the next three weeks he will find that his other proposition will not be so long a time in being decided as if the House were in session.

I do not propose to delay the House much longer. I have felt that it seldom falls to the lot of any public man on the floor of any Legislature to have a case such as the case which I have here to support as opposed to the case of my hon. friend. I think that I would be offering an insult to the intelligence of the members of this House if I said another word with regard to the terrible condition of affairs which must exist when the people will permit the accused person to appoint the Judges.

#### From Larceny to Murder.

We are to try them, and he asks that the free Assembly of the people of this Province shall be padlocked and put in prison for three weeks, in order that, no matter what may happen in the meantime, no matter what might occur, from larceny up to murder—(applause)—this House will remain emasculated at the desire and by the vote of the members of this House. I apprehend that hon. gentlemen in this House, no matter which side they sit upon, will think twice, and perhaps three times, before they vote to put it out of the power of the representatives of the people to meet during the next three weeks and say and do that which shall please them to say and do.

I have clearly shown that with reference to the patronage there was an understanding, and his (Mr. Gamey's) friends were appointed by the Crown to positions of credit and emolument. How men can find it in their hearts to speak strongly with reference to the member for Manitoulin, a stranger politically, and appoint his friends to office, passes my understanding altogether. Now, then, it is perfectly clear, as I have told, that the other members are cornered by the statements and evidence of my friend from Manitoulin. Therefore it is that I close this portion of my address by the statement reiterated, that it is unfair that the accused should name the tribunal to try them.

#### House Put on the Shelf.

Suppose, for the purpose of illustration, that during this commission some startling evidence should be brought up, suppose some other member of the House should be implicated, some other member of the Government implicated, suppose something unheard of in this proceeding so far should take place, what would be done? Nothing. In the meantime the House will be put away on the shelf for three weeks,

and I challenge my friend to give his reason why. He wisely refrains from exercising the privilege which is inherent in it during the next three weeks. He may, as I have said before, being confident in the immunity which he has hitherto enjoyed, get through this difficulty, too, but let me remind him of this, that only a little while ago he and his 45 men behind him called upon McGregor in Centre Bruce. McGregor is here, but not the McGregor which he called for with every possible appearance of satisfaction and confidence. McGregor is on his native heath, but the McGregor we have here is not the McGregor he would like to see. (Applause.)

Let me tell you that I am not the only person who has done it. I want you to understand that other persons have told him this a little while ago, that the pitcher goes too often to the well. In my belief, when he and his colleagues kept secret the fact that the ballots in West Elgin had been destroyed or removed, when, as the Attorney-General told us, the then Premier wished it to be made public sooner, the people did not visit him with the punishment he deserved for that action, or for other actions which I could name, for the failure to prosecute those guilty of ballot frauds. Although the people have not punished him as he deserved for these offences, yet a majority of 7,000 voters in the Province have punished him as far as in their power lay. I have to-day behind me this majority of the people of Ontario, and I am their representative, and not the hon. gentleman opposite. (Opposition applause.)

#### The Coalition Incident.

He may think that because of his immunity from these things—he may think that because his organ called out for a coalition last summer, that the man whom they have been ridiculing and decrying—and I am saying something to the Attorney-General now—is foolish; he may think that although the rebuff in Centre Bruce was a hard one, yet it is one that perhaps he might get over; he may think that people will not perhaps put two and two together, and say to themselves we now understand that we have had all these things after we have sited the penitentiary and the Central Prison for evidence, to send down the man who now represents South Oxford by the will of the people. (Applause.)

He may think the people of this Province will not to-day interpret as they are doing a remark made by him a short time ago in North York, and not understand, as they do now clearly, what he meant when he said we shall fight. The people of Ontario are not in much doubt as to what he meant. If the hon. gentleman insists upon carrying out the proposal which he has made here to-day, I say that his bitterest political enemy would wish nothing more unfortunate than the hon. gentleman has done. (Loud Opposition applause.)

#### The Attorney-General.

Hon. Mr. Gibson, whose rising was greeted with loud cheers from his supporters, said: "Mr. Speaker,—It is seldom indeed that a subject of a graver nature comes before the House than that which forms the subject of discussion. It is seldom that the circumstances which gave rise to the motion are of a more serious nature than those which yesterday were propounded to the House, the consequences of which we are now considering. I think, therefore, and I would have thought that my hon. friend the leader of the Opposition would think likewise, that these matters should be dealt with in the House in a judicial and fair-minded spirit. The occasion was not one for pyrotechnics or vituperation or display, or the calling together of all the old periods to which old members at least are so accustomed, in connection with similar discussions which prevailed from the beginning to the end of last Parliament. (Hear, hear.)

Why, sir, the hon. gentleman has vindicated, in the course of his remarks, more particularly by the temper he has shown, and the reverse of the judicial spirit which he has

shown, thoroughly vindicated the wisdom of the course which was proposed by my hon. friend the Premier in his address. (Applause.)

#### Attack on the Judges.

Talk of choosing the tribunal, packing the tribunal! My hon. friend sneers at the Chief Justice of this Province. (Renewed applause.)

Mr. Whitney: I will not allow my hon. friend to give a statement for which he has absolutely no foundation. He may repeat it as much as he likes.

Mr. Gibson: I thank the hon. gentleman for the liberty he has given me. (Laughter.) There are in the Province to-day three Chief Justices, who a Chancellor, honorable Judges, who have been removed for very many years from the turmoil of political life; have been confined to their judicial duties, and whose impartial probity, high sense of honor and propriety no one will think of questioning. (Applause.) If we select two of these four Chief Justices we are packing the tribunal!

Mr. Whitney: I did not say so, and the hon. gentleman knows it.

Mr. Gibson: Well, then, we are loading the dice. (Loud Ministerial applause.)

#### Loading the Dice!

I would like to know, as applied to the judiciary, which of these two expressions my hon. friend would prefer. (Ministerial applause.) I am inclined to think that I would rather say packing the tribunal than use the expression which he used, and used deliberately, "loading the dice," for the purpose of this investigation, because we are selecting two of the highest Judges of the land, two whose reputations and whose impartiality no one would ever think of questioning. The hon. gentleman wants to refer these questions to the Committee on Privileges and Elections. We are to name them, the majority of this House. (Applause.)

Mr. Whitney—Not necessarily.

Mr. Gibson—In deciding to refer this matter to two of the highest Judges in the Province, instead of to a committee of this House, we are practically following out the reverse of what the hon. gentleman suggests. (Ministerial applause.) The majority of this House might, if they chose to exercise their power, pack a tribunal or play with loaded dice, to use the hon. gentleman's expression. The majority of this House do not choose to do so. We choose to adopt the course which the people of this Province will beyond all doubt say is eminently fair and eminently reasonable. (Ministerial applause.) Why were the Committees on Privileges and Elections deprived of their old-time functions of trying election cases? Will the hon. gentleman or anyone who follows him say that it was that those standing committees are almost obsolete, so far as any practical use is concerned? They have not for many years past, under our modern and enlightened legislation, had to do with the trial of election cases.

#### Have Not Judicial Spirit.

One of the reasons is that the experience always was that instead of a fair, judicial spirit being shown by those who composed the committee, on the whole the general result was simple partisanship and a verdict by the majority of the committee, whatever political party had the majority. Not in all cases, but I am willing to say that that was the result of many of those trials by the Committee on Privileges and Elections.

That was the experience and the real reason why the change was adopted. Why did the Legislature of this country and of other countries abrogate their functions in the matter of trials of contested elections? Because there was no certainty—there was rather the reverse of certainty—that fair-minded, judicial, calm, impartial justice would be the result of this committee's investigations. (Ministerial applause.) No, sir. What we want is that we shall be whitewashed by no partisan majority. (Applause.)

#### No Whitewashing.

We do not ask to be whitewashed