

SWEEPING POWER TO COMMISSION.

Judges' Authority in Stratton Inquiry.

BOYD AND FALCONBRIDGE.

Division Seems Several Days Off.

Mr. Whitney Makes Brief Criticism, but Other Members Discuss Old Matters—A Quiet Day.

The Legislature opened yesterday with the presentation of the terms of the commission to the Judges who will investigate the Gamey charges, and the announcement that the Government had selected Sir John Boyd and Chief Justice Falconbridge to conduct the inquiry. The terms, which will be found in detail below, give very wide powers to the commission, including, besides the ordinary provisions, the right to compel witnesses to answer incriminating questions, but such evidence will not be available in a criminal court proceedings. It also empowers the commissioners to investigate, at the instance of members of the Legislature in writing, any charge that may develop against any other member of the Cabinet than Mr. Stratton. Mr. Whitney offered a brief criticism, and then the Opposition members, who did most of the talking, plunged into the discussion exactly on the lines of the previous day, without referring to the instructions to the commissioners. The Government speakers of the day were Mr. T. H. Preston and Mr. Andrew Pattullo, who presented a much-worn subject in many new phases, and to the great satisfaction of their colleagues. The Opposition speakers were Mr. Hugh Clark, Mr. W. H. Hoyle, Mr. Finlay Macdiarmid and Dr. H. G. Lackner. At adjournment a division seemed several days off. It was announced yesterday that Mr. W. R. Smyth had consented to pair with Hon. E. J. Davis, who is detained by the disastrous fire which destroyed his tamery.

Dr. Routledge of East Middlesex and Mr. A. G. Mackay of North Grey on entering the House were received with applause, appreciative of the recent victories in the courts.

The Commission Presented.

Upon the conclusion of the preliminaries, Premier Ross rose and said: "Before the orders of the day are called, in pursuance of what I said in the House yesterday, I bring down a draft of the commission to issue in this matter, which has been before the House for some days. I will lay the draft upon the table, and a copy of the draft will be given to my hon. friend the leader of the Opposition. There is a blank in the draft for the names of the commissioners. I may say to the House that Chancellor Boyd of the Supreme Court and Chief Justice Falconbridge have assented to act in

this matter, and will form the personnel of the commission. This draft indicates what power is proposed to be given to the commission. "Perhaps the Clerk might read the commission."

Mr. Whitney—I think it would be well.

The Clerk of the House then read the instructions to the commission, as follows:—

Commission of Inquiry

"In the matter of an inquiry into certain charges made by Robert Roswell Gamey, a member of the Legislative Assembly of the Province of Ontario, against James Robert Stratton, a member of the Executive Council of Ontario, and also a member of the said Legislative Assembly. Sir Oliver Mowat, G.C. M.G., Province of Ontario. Edward the Seventh, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, etc., etc.

"To _____ :
"Whereas certain charge were, on the 11th day of March, 1903, made by Robert Roswell Gamey, a member of the Legislative Assembly of the Province of Ontario, for the Electoral District of Manitoulin, affecting the good government of the Province, whereby the said Robert Roswell Gamey, from his place in the said Legislative Assembly, and whilst the Legislative Assembly was in session, charged and declared that James Robert Stratton, another member of the said Legislative Assembly, and a member of the Executive Council of the said Province, did certain corrupt and unlawful acts, by attempting to bribe the said Robert Roswell Gamey by the payment to him of certain moneys, to wit, the sum of \$3,000 on Wednesday, the 10th day of September, 1902, at the Parliament buildings in the City of Toronto, in said Province, and by the further payment to him of the sum of \$1,000 on Thursday, the 29th day of January, 1903, at the place aforesaid, to influence and induce corruptly and unlawfully the said Robert Roswell Gamey, who was at said times a member of the said Legislative Assembly, as such member to vote for and support the Government of which the said James Robert Stratton is now and was at the said times a member.

"And whereas the said Robert Roswell Gamey further charged that by the offer of patronage he the said James Robert Stratton, did endeavor to bribe and corruptly induce and influence the said Robert Roswell Gamey, as such member, to vote for and support the said Government.

Evidence in the Newspapers.

"And whereas the three several papers accompanying this commission, and marked respectively A, B and C, by the Clerk of the Legislative Assembly, taken from the issues of The Toronto Globe, Mail and Empire, and World respectively, of date the 12th day of March, 1903, contain and fully set forth the said charges so made by the said Robert Roswell Gamey against the said James Robert Stratton.

"And whereas it is deemed expedient by the Lieutenant-Governor in Council to cause inquiry to be made into and concerning the truth of the said charges made as aforesaid.

"And whereas the said Legislative Assembly presented to the Lieutenant-Governor of our said Province an address praying that he would issue a commission to investigate the said charges set forth in the said papers herewith, and to inquire into and investigate all matters and things which, in the judgment of the commissioners, relate thereto or affect the same, and that such commission should be directed to two of the Chief Justices or to one of the Chief Justices of the Supreme Court of Judicature of Ontario and the President of the High Court of Justice.

The Request Granted.

"And whereas our said Lieutenant-Governor in Council deems it expedient to accede to the request of the said Legislative Assembly; now know you, that we, having and reposing

full trust and confidence in you, the said _____, do hereby and with the advice of our Executive Council of our said Province appoint you, the said _____, to inquire into and investigate the said charges, and all matters and things which in your judgment are relevant thereto.

The Powers Conferred.

"And we do hereby confer on you our said commissioners full power and authority to proceed with all reasonable despatch to hear, inquire into and investigate the said charges against the said James Robert Stratton, contained in the said papers marked respectively A, B and C, and to report the result of such investigation within a reasonable time, together with all evidence, documents, papers and things that may be given, produced or laid before you touching the charges aforesaid.

"And we do hereby empower you to hear and examine all witnesses on oath, and to require them to give evidence and produce documents and things, and to issue subpoenas for enforcing the attendance of such witnesses at the instance of either of said parties to said charges, and to cause the evidence given before you to be taken in shorthand, and to administer or cause to be administered by the clerk of said commission (to be appointed by you) all necessary oaths to witnesses, criers, constables, stenographers and others to whom an oath may be administered, to the same extent and effect as may now be administered in a court of law.

Powers of High Court Judges.

"And we do hereby confer on you all the powers, rights and privileges concerning the hearing and investigation of the said charges, the making of this commission, the examination of witnesses, the taking of evidence, and the production of documents and things, which are possessed by or conferred on a Judge in the trial of causes either by common law or by statute, it being intended that you, the said commissioners, shall have the same rights, powers and privileges as Judges of the High Court have in the trial of causes and in respect of all matters incidental thereto.

Must Answer All Questions.

"And we direct that upon the said inquiry no witness shall be excused from answering any question upon the ground that the answer may tend to criminate him, but that no evidence given by any person or witness before you shall be receivable in evidence against him in any criminal trial or other criminal proceeding against him hereafter taking place, other than a prosecution for perjury in giving such evidence.

"And we do further empower you to permit each party to the said inquiry to be represented by counsel, who shall be entitled to conduct the presentation of said charges, and the answer thereto respectively in accordance with the practice and law applicable to counsel in trials of causes.

"And we do further empower you to direct that the evidence taken by the stenographers shall be extended and certified to by them, and the same when so extended and certified shall be returned with your report as the evidence taken before you.

"And we do further empower you to appoint the places where, and the times when, the sittings of the said commissioners shall be held, and to adjourn if necessary from day to day, or from time to time, to enable the presentation of the said charges, and the answer thereto, to be fully and completely made, heard and investigated.

May Hear Further Charges.

"We further do empower you to inquire into, investigate and report upon any charges arising out of, or connected with, the charges aforesaid against said James Robert Stratton contained in the said papers, A, B and C, which may be preferred in writing by any member of our Legislative Assembly against any member of our said Executive Coun-