

on that high plane which, happily, we were able to reach by many years of honest legislation, and with the shortcomings incident to human nature, through many years of faithful service. Any check in that career, or any cloud upon the life and record of those charged with legislation, would be a most serious thing, not only to the persons concerned, but to the fair fame of the Province. And it was feeling the responsibility of a leader of the Government, and, more than that, that we were standing in the fierce light that beats upon public men in administrative capacity, that I thought it became us in the most judicial manner, and with that calmness and seriousness which the nature of the charges requires, to endeavor to dispose of these charges, if possible, in such a way that their final settlement, if a final settlement were practicable, would win the confidence of the country, and would, if vindication were possible, result in the complete and satisfactory vindication of those against whom the charges were hurled.

The Mode of Procedure.

"I am not going to discuss now the various modes of proceeding with those charges. We elected, and somewhat promptly, not at the moment, but as promptly as we could reasonably be expected to have done so, the investigation of these charges by a royal commission. That choice was made the day after the charges were preferred. Our choice was not approved by hon. gentlemen opposite. They claimed that, following strict Parliamentary usage, the reference should have been to a committee of this House, either a select committee or the Committee on Privileges and Elections. We held that under the statute of our own Province, approved unanimously by both sides of the House at the time it was passed, we were fairly within our rights, our constitutional and statutory rights, to have the reference made to a commission, and we were able to fortify that, not only by the statute, but by various precedents from the House of Commons and from the Mother of Parliaments across the water."

A Fair Trial.

Mr. Ross then briefly reviewed the discussion in the House previous to the reference to the commission, and commended the arguments of the Opposition as strong and fair, so far as their constitutional views were concerned. The Government's proposal for reference to a commission, had been made on March 12, and on March 24 the member for South Toronto (Mr. Foy) had moved that the charges be referred to the Committee on Privileges and Elections. The strongest objection to the Government's position had been that, under the law of evidence, a full and searching inquiry was impossible before a commission, while before a committee there would be no such restraint. To meet the objection, the Attorney-General had introduced a bill on March 25 adopting for that particular case provisions relieving witnesses of any rights they might have to refuse to answer incriminating questions. The Opposition, however, were not satisfied, and moved an amendment providing for the appointment of the commission by the Lieutenant-Governor, irrespective of the advice of the Executive, a motion which was a want of confidence in the

principle of responsible government. Another amendment provided that the Judges should not make a finding. The members, however, could not all attend the commission, and a report by the Judges, with their opportunity of observing the demeanor of the witnesses, would be of great value, as in the bribery case of 1884. Without the guiding hand of the Judges as to the substance of the evidence the House would lose, to a great extent, the benefit of the investigation. The Government had, however, taken the ground, and still took it, that the House was the final court of appeal, and had the right to reject the report of the commission, and to say that the evidence did not warrant the finding. Members could not study the evidence in detail, but they had read the excellent reports in the newspapers and had been forming their conclusions from day to day.

The Commissioners.

The commissioners were, however, ordered to make a finding, and they did so accordingly. The charges first made involved the Provincial Secretary, and in the second place a charge of conspiracy was made against the other members of the Government. Both were incorporated in the instructions of the Judges, thus embracing the whole scope of the complaints made by the member for Manitoulin. The member for West York had moved that where the Judges disagreed as to the acceptance of evidence, the view in favor of acceptance should prevail. The House refused to entertain that, feeling that there should be no division in the court, and he did not remember an instance where the Judges disagreed on this point. There was practically no evidence rejected, and the whole proceedings of the court so far as evidence was concerned, were most satisfactory.

A Dignified Course.

That, in brief, was the history of the proceedings in the House. The course of the Government had been directed in a dignified and in a judicial way, to let the House and the country understand that the charge was serious, and should be investigated with all the decorum which characterized the highest courts of the land.

The next step was the constitution of the commission, and for that they took the responsibility by virtue of their position.

Mr. Whitney—Hear, hear.
No objection, Mr. Ross said, had been taken to the constitution of the commission so far as he knew, and they had conducted the investigation in a spirit of fairness and impartiality. They were justified not only in the selection of the men, but by the character of the judiciary of the Province for the last half century or more. He thought hon. gentlemen opposite would say that the court was conducted with great dignity, and that in no instance did the Judges indicate the slightest desire to suppress evidence or to present such a searching investigation as would get at the truth, the whole truth, and nothing but the truth.

Eminent Prosecuting Counsel.

The next point had been to secure counsel, the most important feature of a great investigation. Only the possessor of a large and comprehensive mind could grasp the strong features of the case or pursue the investigation or examination in such a way as to elicit the whole truth. The prosecution were allowed the choice of their own counsel.

Mr. Whitney—Hear, hear.
And they chose, Mr. Ross continued, Mr. Blake, one of the oldest members of the Canadian Bar, and Mr. Ritchie, a King's Counsel, both known as lawyers of the first standing, and men of wide experience, and he did not think any complaint could be made against the manner in which those two gentlemen, assisted by others, conducted their side of the case. They were most tenacious in examination of witnesses, and most persistent in securing evidence from all parts of the country. The defence was conducted by Mr. Johnston and Mr.

Siddell, two eminent King's Counsel, men with great experience in the conduct of cases.

All Evidence Admitted.

Mr. Ross then proceeded to examine the evidence presented, and read from the first portion of the Judge's report, to show that they examined the charges made by Mr. Gamey both on the 11th and on the 27th of March. Mr. Blake, in his address, had said:—

"I feel satisfied that it has been a great satisfaction to those that I represent here, the people of this Province, that so wide a scope has been given, and that all the evidence virtually, which has been tendered, has been received by your Lordships."

So that both the Judges and the chief counsel for the prosecution admitted that everything that had been said against the Government by the member for Manitoulin had been investigated. That being the case, then the complaint against the reference to a commission fell to the ground. It

would have been a most unfortunate thing for the Liberal party and for the Government if it could now be said the investigation could have been more thorough, or that evidence on any part of Mr. Gamey's statement had been rejected. The Government had widened the evidence act, and declined to take advantage of its condition, which might have led to many witnesses being excluded. They appealed to the Judges of the land, who had in their hands the life and death and property of the people, to deal with a case involving a crime as well as a political misdemeanor.

The Four Charges.

The charges made by Mr. Gamey had involved four points: bribery by means of patronage, withdrawal of a protest, payment of money, and conspiracy by members of the Government. In regard to the first, hon. gentlemen understood the question of patronage. The bestowal of it by a Government was no crime. It was only when it was bestowed with a view to pervert a man's moral character, or to change his political allegiance, or to secure his support for some measure which he would not support as a matter of conscience, that patronage could be used for an improper purpose. The rule in our party government was that the party in power should bestow its patronage to its supporters. That rule had been followed for hundreds of years under our constitutional system, and was followed in every country under the sun. That power, however, could be abused in various ways. It might happen that the support of members could be bought for some largess that the Government could bestow. That was the charge in this case.

The Appointments Made.

However, from the witnesses examined before the commission it was shown that the member for Manitoulin had signified his intention by a letter with his own signature before he had been considered at all in the matter of patronage. It had also been shown that, so far as the Provincial Secretary was concerned, no appointment had been made upon his recommendation. As to the appointment of the Sheriff as returning officer for Manitoulin for the referendum, that had been provided for by the act, which stipulated that Sheriffs and Registrars should be returning officers wherever possible. A small appointment had, however, gone through the Attorney-General's Department after the receipt of Mr. Gamey's letter of the 10th of September announcing his intention to support the Government. So that the charge that patronage was given with a view to securing his political support fell to the ground.

Other Men's Changes.

His statement that he would support the Government had never been contradicted, nor its validity shaken in a single particular. We had had other changes in the House, for instance, the member for Prince Edward some years ago, Mr. Hart, after defeating the Government's candidate, had received whatever patronage went