

REPORT.

THE SELECT COMMITTEE, appointed April 18, 1856, to whom were referred "*All Petitions against the Return of any Member of this House, with power to call for witnesses and papers,*" report as follows :—

YOUR COMMITTEE report that, having read and considered the petitions against the returns of Messrs. Brodie, Taylor, Merriman, Greenwood, Williamson, Beckham, and Lee, which had been referred to it by your Honorable House, gave notice to the petitioners to attend before your Committee to prosecute their petitions.

The petitioners, in every case except that of the petition against Mr. Lee, appeared in obedience to the summons of your Committee, when they declined to prosecute the petitions. The petitioners in Mr. Lee's case have not appeared before your Committee, nor offered any excuse for abstaining from doing so.

In the existing state of the law, your Committee was unable to compel the prosecution of the petitions, and was obliged to acquiesce in the course adopted by the petitioners. It cannot, however, refrain from expressing its regret at the adoption of that course. It conceives that petitions, seriously impugning the character of honorable Members of this House, ought not to have been presented, unless the petitioners were in possession of ample evidence to support their allegations; while, if they did possess such evidence, it was their duty towards this House and the community at large to prove the charges they had made.

To prevent the recurrence of such a circumstance, your Committee recommend that, before any petition be received by this honorable House, some sufficient guarantee should be required from petitioners that they will prosecute the same in a *bona fide* manner. With this object, and in order to regulate the manner in which petitions against the return of Members of this House should be investigated (for which no provision has yet been made by your honorable House), your Committee has suggested to the Standing Orders Committee certain "*Standing Orders on Election Petitions,*" which, the latter Committee having adopted, will be found embodied in the amended Standing Orders now on the table of the House, and to which, therefore, further allusion need not be made.

But, as the Standing Orders of your honorable House only bind its Members, it has appeared essential to your Committee that certain provisions should be made by legislative enactment to enable the House effectually to conduct enquiries of this nature, and to enforce its decisions. It is also desirable, in the opinion of your Committee, that the Legislature should provide for the purity of election, by making certain acts penal, and the ground of avoidance of the return of any Member whose election has been secured by such means. For these purposes your Committee would recommend that an Act be passed by the General Assembly to make provision for the following particulars :

1st. To make bribery, treating, intimidation, and personation penal, and to make void any vote induced by such means; and, if effected with the previous knowledge or connivance of the sitting Member, to disqualify him for re-election during the continuance of the then Assembly.

2nd. To enable Election Committees to compel attendance of all persons whom they may think proper to summon on hearing of any petition, and to compel production of papers and books.

3rd. To require the Returning Officer or Resident Magistrate to perform the duties imposed upon him by the Standing Orders.

4th. To require the Attorney-General, on order of the Speaker, to prosecute on bonds.

5th. To enable the Committee to direct payment of costs, expenses of witnesses, &c., and authorise persons entitled thereto to sue for same, on certificate of Speaker.