and it was undoubtedly a case of a minority candidate having been returned to this House. It was not a case in which the returning officer presumed to exercise judicial functions, as this returning officer has done, and has declared that he felt himself bound to do, whether he was right or wrong, in respect to the qualification of Mr. King. It was a case in which the returning officer chose to throw out, uncounted, the returns of some of the polling places, because if he did count them, in pursuance of his oath of office, he would have had to make a return directly opposite to that which he made. That returning officer, appointed under very peculiar circumstances, chose to return a minority candidate to this House, and when there was an attempt to make the returning officer answerable at the Bar of the House, as was proposed to be done the other night, the answer which the leader of the Opposition, then the leader of the House, made, was this, as read by my hon. friend from the county of Victoria, N.S. (Mr. Macdonald):

"He would be very sorry to believe that the House had been deprived by the position of the Controverted Elections Act of its power over returning officers, of its power to investigate complaints made against them, and to punish them for improper conduct, but when Parliament transferred the trial of election petitions to the judges, and expressly provided that the conduct of returning officers might be complained of, and that they might be made respondents to petitions, Parliament thereby expressed a preference for that mode of investigation, or, at any rate, a petitioner could adopt that course. Under those circumstances he did not think it would be proper to ask the House to enter into an investigation of the conduct of that returning officer, pending the election trial. The appointment of the returning officer was a different matter."

In the only two cases which can be cited since the adoption of that procedure, by which these matters have been sent to the courts of the country, the one in England and the other here, we find in the English case, that the English House has distinctly declared that the person returned could not take his seat, and when the elements all existed for seating the only candidate entitled to be returned, the House stayed its hand and waited until the decree of the election court was pronounced; and in this country when this question was raised in 1874, when the leader of the present Opposition was a member of the then Government, the House declined even to call the returning officer to the Bar to answer for his violation of the Election Act in returning the minority candidate, and refusing to count the ballots of the electors which were in his hands. Now, the hon. member for St. John (Mr. Weldon) has very properly stated that this case has excited a great deal of public interest, and is one on which the press of the country has made very strong statements. The aspect of the case down to the present moment has been simply this: that hon. gentlemen on this side of the House have contented themselves with the assertion of what they conceive to be correct principles on the point of constitutional law as regards the rights and privileges of this House. On the other side hon. gentlemen have gone into the merits of the case as they understand them. I think it was well there was no attempt to mix the argument which has been made on this side against the interference of Parliament in the trial of controverted elections with the merits of this particular case; and whether it be popular or unpopular now, and whether the course taken by the majority of this House in declining to interfere in election trials after the adoption of that salutory Act by which such trials are left to the courts of the country, is deemed popular or not, I am still of the opinion that it is better for the country, better for the electors and better for the credit of this House that this matter should be left to the tribunals, that every case should be left to the tribunals which have jurisdiction and which alone have the procedure to despatch business of this kind in a way that will command public confidence. The argument made by hon. gentlemen opposite, and it was specially urged in the committee, was that every case was to be decided on its own merits; that there might be a case of very doubtful character presented to Parliament, and in a doubtful case we should not interfere; but in a flagrant case we ought to interfere, and that this was a flagrant case. Shall we adopt that rule and act on that principle, that it is for the majority in every case to take up a case of controverted election and to reverse the return and to seat the member whom the returning officer has not seated, and to vote that it is a flagrant case, and that there was no doubt about it? We do not advance the argument a step by saying that in a plain case we will act and in a doubtful case we will not act, because we are placing the seats of the minority still in the hands of the majority, and we have only to vote, first, that it is a plain case, and, then, that we ought to violently seize the authority to do what the majority thinks is right in the matter, notwithstanding that for nearly half a century these matters have been relegated to other tribunals that are supposed to be impartial, first to the committees of the House and afterwards to the judges of the land. I need not remind the House at this stage of what was said at its Bar; that at this moment the questions connected with the recount and prohibition of recount are being considered by the Supreme Court of New Brunswick; and yet we are undertaking to deal with this question, to say there shall be no recount, for which Mr. King has applied—Mr. King understanding his privileges and rights, and advised quite as well as he can be advised by the majority of votes of this House. He has gone to the courts of the country, he has chosen his procedure there, and while we propose to take Mr. King by the hand and place him in the seat, the judges are deliberating whether they will give him the relief he asks under the authority of the law as we understand it, and as he seems to understand it. But yesterday an addition was made to the rule which hon. gentlemen opposite laid down before the committee. It was said yesterday, not only that we shall interfere in a plain case, but that we shall interfere if the individual supposed to be aggrieved has not money enough to go into the courts of the country, or does not desire to spend the money necessary. For I understand the only reason put forward by the hon. member for St. John (Mr. Weldon) when he brought forward his motion, why the time had been allowed to elapse for entering a petition was that the gentleman who claimed the seat either did not choose to spend the money, or did not set sufficient value on the seat to undergo the inconvenient litigation which is necessary to obtain it, if he is well advised that the seat is rightly his. So that, according to the doctrine of hon. gentlemen opposite, the majority is, in the first instance, to vote that it is a plain case, and having done so, we are next to deliberate whether the individual aggrieved has money enough to contest the seat; and if he has money, whether he chooses to spend it in litigation or not. If having the money, he does not choose to spend it in litigation, thinking the litigation in the courts too expensive or too inconvenient, it is a reason why this House should seat him without incurring the inconvenience and expense of litigation and without the risk of a contest in a court of law. Hereafter if this doctrine be adopted, if any man claims to be seated and that the return be amended, will he be such a fool as to enter into litigation in the courts when he can get a member of this House to rise and move that he be seated, because the procedure of going to the tribunal we have appointed to try these questions is both inconvenient and expensive? The matter was referred, as the House is well aware, to the Committee on Privileges and Elections. After I made the motion that it should be so referred, a good deal of criticism took place, which I had not the opportunity of answering at that time. The very singular argument was advanced that inasmuch as I had contended that the House ought not to deal with this question, I was entirely inconsistent in moving that the question be referred to a committee of the House. The hon. gentlemen inside this House who presented that