

present case. He was sure the hon. gentlemen of this House were not going to argue that that power exists under the general law. He proposed to the House that they should act summarily and promptly upon the acknowledged facts of this case. These acknowledged facts showed that there was in this case a majority of votes for the candidate who had not been returned by the returning officer notwithstanding his majority.

He would therefore move: "that it appears by the poll books and other papers transmitted to Mr. George Burnham, returning officer, appointed to conduct the last election for Peterborough West, that two candidates, John Bertram and William Cluxton, were nominated; that a poll was demanded, granted and taken; that at the close of the polling, the said John Bertram had the largest number of votes, having received 745 votes, while the said William Cluxton received only 705 votes; that notwithstanding, the said returning officer has not declared the return of the said John Bertram as duly elected; that the said William Cluxton has not taken his seat in this House; that the said John Bertram ought to have been returned as member for Peterborough West in this Parliament, and that the said John Bertram has a right to take his seat in the House as a member for Peterborough West; saving, however, to all candidates and electors the right to contest the said election if they think proper, in such manner as may appertain to law and justice, and in accordance with the usage of Parliament."

He trusted that every man who believed in the proposition that a majority in each constituency should return their candidate, and did not desire it to be left to a returning officer appointed by the Government to ignore the wishes of the people and sent the defeated instead of victorious candidate to this House, would say yea to this motion. (*Loud cheers.*)

Hon. Mr. CAMERON (Cardwell) alluded to the importance of the subject under discussion, and said that his hon. friend had placed the matter before the House with his usual ability. If the case were as he had put it there would be no doubt respecting it. His hon. friend had referred to precedents which had occurred in this county—one of them relating to the Essex election. When it came up before the House, the Hon. Robert Baldwin voted that it should be referred to an election committee.

The hon. gentleman could not point out a single case in England before the Grenville Act was passed, or since, in which an alteration was made without a petition having been presented to the House. If he could, his researches would have been much greater and deeper than his (Hon. Mr. Cameron's). He had not been able to discover a case in which, without a petition being presented either by the candidate or the constituency, the returns had been amended. In olden times no such motion was ever made.

After the passing of the Grenville Act, the House deprived itself absolutely of the power of dealing with these questions, and vested the authority in a Committee. It deprived itself of the power which originally belonged to it; and although there were cases in which I could not, namely, in such cases as those of O'Donovan Rossa, and

Smith O'Brien, yet the distinction was so clear that there would be no difficulty in any of the members of that House, whether lay or legal, understanding it precisely as it stood.

The hon. gentleman next described the reasons which gave rise to the passing of the Grenville Act, and maintained that after that law was amended, it became in England exactly what it is in this country. The law provided for the investigation of an undue election return. The House divested itself of the power of dealing with the questions therein mentioned when it passed the statute, although no one would pretend it did not retain a portion of its original jurisdiction over cases which had been alluded to by his hon. friend. These cases in England were referred to election committees when they came up on petitions, and even in cases where the action of the returning officer was to be considered. The House declined to consider them within fourteen days, because the discussion of the question might, it was thought, create a feeling in the House which would prevent the members entering upon their duties with unprejudiced minds.

The hon. gentleman referred to a number of cases which had been referred to Election Committees, and afterwards said he hoped that they would soon have election laws of their own, and he did not think it advisable to act upon laws which had been passed in a partisan spirit. He was of the opinion that they should cease to carry out erroneous decisions, and act upon those which had been come to in England. In the case under discussion the return was questioned. Strictly speaking, they had nothing to do with the return the returning officer had made. He had returned the individual who, in his judgment, had been elected and he (Hon. Mr. Cameron) maintained that a petition should be presented against the return, as had been done in all the cases he had referred to.

He named a number of cases which had arisen in England, in which the House did not attempt to seat parties, and which were referred to election Committees. The decision of the Committee was always considered final and conclusive; and Mr. Speaker Abercrombie, in a celebrated case in which he was called upon to give his judgment, alluded in strong terms to the impropriety of the House breaking in upon the terms of an Act of Parliament which had been passed. Mr. Abercrombie held that the object of the Grenville Act was to take from the House the power of deciding upon controverted elections, to consider the decision of the Committees final; and he hoped the House would not be induced to shake off the fetters which it had imposed upon itself, for, if it did, he thought it would prove a dangerous and mischievous precedent.

The House of Commons he (Hon. Mr. Cameron) admitted had a right to act in the cases of O'Donovan Rossa and Smith O'Brien, as they were of an annual character, and of a description not referred to in the Grenville Act. The Committee, after investigating a case, might report the Acts upon which the House would be justified in entering upon a consideration of it, but at present he maintained that they had no authority whatever to do so. He contended that the motion ought not to prevail, and that the House was not in a