

men who acted on the Conservative side. But I will call his attention to a case where returning officers, and even deputy returning officers, were appointed by gentlemen known to be Reformers, whom the Government did not think fit, as they held the official position of registrars, to replace by an officer recommended from their own party, and I will tell you what they did. The hon. gentleman talks about legislative functions, but in many constituencies these officers created two or three classes of voters, who, under the present law, were not entitled to vote at all. They gave votes to Indians residing hundreds of miles away from the constituency, and these votes were counted against me; they gave votes also to unenfranchised Indians in the constituency, who had never before cast a vote at all; to river-drivers and to raftsmen who did not own a foot of land. Talk about legislative functions. Why, the hon. gentleman who talks so much about this, who has brought up the question of the conduct of returning officers, and on whose remarks the inference of wrong-doing on the part of gentlemen, as having been appointed by the Government for partizan purposes, might be drawn, could in this particular case well enlarge the sphere of enquiry into the conduct of returning officers in whose integrity the Government had placed perfect confidence in Muskoka; and he might extend his remarks to the manner in which his own friends there conducted the election, where they had everything in their own hands, and the votes of Indians, living hundreds of miles from the constituency, were accepted and were recorded, and returned as legitimate; and the same thing was done at Carey Island, where some seventy-five unenfranchised Indians were accepted in spite of protests, while the special franchise, under the Free Grant Act, was allowed to their lumbering friends, who brought down their river-drivers and raftsmen, who did not have the least interest in the country, and recorded their votes: If the subject is to be enquired into, and if the charge of illegality is to be thrown into our teeth, it will be just as well that the House and the hon. gentleman himself should understand, that if such things were done they were not by any means confined to those against whom the charge is insinuated. In the case I have mentioned, illegal acts were committed, without even an attempt at concealment, by the hon. gentleman's own particular friends and partizans, in the part of the country which I have the honor to represent.

Mr. COCKBURN. I did not happen to be in Muskoka during the last election; but it is very true that the returning officer there was the Registrar of the District. I understand that so many Conservatives were applicants for the position, that the Government found it difficult to decide between them, and therefore they made that gentleman the returning officer. The election was very close, the majority consisting only of one or two votes. It was just a question whether certain ballots were good or not; and the returning officer, a Liberal, very properly returned the hon. gentleman who now represents the constituency, as he had the majority of votes, though his majority was small—only two or three. Now, with respect to the deputy returning officers there, I can say nothing; however, I think that, if improper votes were cast, the scrutineers of the hon. member for Muskoka (Mr. O'Brien) were at fault. They should have challenged these votes; and if these parties could not show that they were on the voters' lists and entitled to vote, they should have been sworn. It is true that there are two classes in the franchise for the Electoral District of Muskoka, relating to the unorganized townships, and the ordinary lists in the former, as in Algoma, are allowed to vote—householders twenty-one years of age. I think it is necessary that the question of the Indian vote ought to be settled, and the Government could

Mr. O'BRIEN.

easily arrange that matter. The Act says, that British subjects, twenty-one years of age and householders can vote. There are some Indian families, who, I suppose, are regular British subjects—Indians are generally looked upon as minors in this country—but it has so happened that some of them have been allowed to vote. I do not know that the Indian vote was all cast on one side. I think that my hon. friend, in 1878, solicited the Indian vote; but, in this case, the Liberal candidate was popular among the Indian population, and therefore it may have been divided to a certain extent. I think that the returning officer, who appointed the deputy returning officers, performed his duty; and if anything is wrong, I consider that it is the Election Law and the regulations relating to the franchise. I only make these few remarks in justice to the returning and deputy returning officers of that constituency mentioned.

Mr. BLAKE. As the hon. gentleman has referred to me, I would remind him of what he perhaps has forgotten: The position in which his case is before the Election Courts. While he waves the flag here, and asks the House to make an enquiry into the conduct of the election in his constituency, there is a tribunal to which this Court has delegated such enquiry—in which tribunal, however, the hon. gentleman does not seem very anxious to bring the case to an issue.

Mr. MACKENZIE. I suppose that the hon. gentlemen opposite have no objection to accept the suggestion of the hon. member for Elgin (Mr. Casey)?

Sir JOHN A. MACDONALD. What is that?

Mr. MACKENZIE. That the correspondence with reference to the parties nominated returning officers be sent down.

Motion agreed to.

THE CHIEF JUSTICESHIP OF QUEEN'S BENCH, MANITOBA.

Mr. BLAKE, in moving for copies of all correspondence with Mr. J. A. Miller, late Justice of the Court of Queen's Bench, Manitoba, prior to his appointment relating to his becoming Chief Justice of that Court, and subsequently to his appointment, on the subject of the resignation of his office, said: It has been stated to me upon authority which I believe to be accurate, that correspondence took place with Mr. Justice Miller, which he has communicated to many persons, anterior to his appointment, by which an understanding was reached that he should become Chief Justice of the Court of Queen's Bench as soon as that office should become vacant, which was expected at that time to be at an early date. I am sorry if any such arrangement was made, because it seems to me important, with reference to all offices, and important most of all with reference to offices of the character of these judicial offices, that those who are entrusted with the very grave responsibility and power of nominating to those offices should be perfectly free to nominate those persons who are best fitted for the positions at the time when the vacancies arrive, and that no engagement should be made in advance as to the promotion of any particular individual, upon an indefinite or uncertain contingency, to the highest place on the Bench. It has been stated, also, that Mr. Miller conceived himself aggrieved because he did not become Chief Justice, or obtain a higher salary, and that a considerable period before the acceptance of his resignation he tendered his resignation on the score that faith had not been kept with him; that he was not treated as he should have been treated, and that that resignation remained in the hands of the Government, or the hon. Minister of Justice, until the sudden death of the Chief Justice of the Province rendered that high office vacant. It is stated that upon the occurrence of that event the resignation of