

guilty of it, is one of the highest duties to which it can devote itself. It is absurd to imagine that outrages which no hon. gentleman in this House has undertaken to defend—outrages such as that most wicked and diabolical outrage in connection with the Queen's county election that any officer has ever attempted—I am sorry to see hon. gentlemen smile at that—I say, in the face of such outrages, it is time the House devoted some of its time to such cases. In this particular case it may be that the conduct of the Clerk of the Crown in Chancery is capable of explanation; it may be that the conduct of the returning officers who held the returns back for several weeks is capable of explanation. I do not suppose my hon. friend who made the motion proposes to condemn them unheard. What is his proposition? It is the most reasonable imaginable. It is that to the tribunal which hon. gentlemen opposite have declared to be an impartial tribunal, composed of the highest legal talent of the House—a tribunal where, they have told us, again and again, party passion is silent, and everything is done in the judicial spirit of the courts—shall be referred the facts which on their face show that wrong-doing has been perpetrated on a large number of the members of this House, and that that wrong-doing, by a peculiar combination of circumstances, has been perpetrated exclusively on the members of one particular party. It is proposed to refer the facts which on their face, and until they are answered, constitute a very strong case against the Clerk of the Crown in Chancery; and until they are answered more than one member will retain the opinion that that gentleman has not shown himself fit to hold any longer the office he has filled for many years. The hon. member for Monk attempted to answer the proposition that this House should assert its privileges by referring to the Ontario election returns. There are some hon. gentlemen in this House who can never get their noses beyond the Province of Ontario. It is nothing to me even if in that wonderful Province a wrong was done. If a wrong was done there, it is no argument that I should assist in doing a wrong here; but when he came to his facts, he got the wrong brief, for it turned out that a right was done there, and he argued that because right was done there, wrong should be done here. Now, there are two propositions before the House. One is that on the state of the facts, which constitute a strong *prima facie* case against the Clerk of the Crown in Chancery, the committee should take evidence and report to this House. The other is that we should humbly ask the Clerk of the Crown in Chancery to write a letter saying why he took the course he did. There is only one proposition of which I have heard within the last few days that equals the coolness of this, and that is the proposition made in the Committee on Privileges and Elections that an apology should be sent by this House to the returning officer, Mr. Dunn. What return will the Clerk of the Crown in Chancery make to us? He will simply say that he received the papers and made the best possible use of our and his time, which was taken up, as he informed a member the other day, in reading over the documents connected with the return. We know that the Clerk of the Crown in Chancery has no business to delay the publication of a return made by a returning officer for one hour in order to read those documents. The law is plain and distinct on this point. If he had any judicial duties to discharge, if he had to revise the return of the returning officer and see that it was correct, then, in the Queen's county election, he should have revised the return made by Mr. Dunn, and amended it, so as to declare Mr. King elected. But, I am happy to say, we have not delegated to officers of that kind any judicial duties. All the Clerk of the Crown in Chancery had to do was simply to give notice in the next issue of the *Gazette* of the name of the candidate declared by the returning officer to be elected. We know that he has not done so in

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many cases for weeks; we know that he has thus put hon. gentlemen on this side in a very unfavorable position as compared with that in which he has put hon. gentlemen opposite, as regards the publication of their election returns. The proposition of the hon. gentleman is objectionable from another standpoint, that it deliberately proposes to do away with one-half of the subject matter of complaint. The proposition of the hon. member for Bothwell (Mr. Mills) embraces the complaints made against the Clerk of the Crown in Chancery, and also against the divers returning officers. He proposes that where the returning officers have done wrong and where the Clerk of the Crown in Chancery has done wrong, their conduct shall be investigated into and reported upon; but we are asked by the First Minister to give the go-bye to the entire charges against the returning officers and simply to call on the Clerk of the Crown in Chancery for a letter as to his share in the matter. I do not think that is at all fair or consistent with our self-respect. In the Province I come from—which, I am happy to say, has returned six good Reformers—I find that in the counties of King's and Queen's where there were no hints of a petition being filed, our returns were not gazetted until the 2nd of April, while in the county of Prince, where the returning officer did not make his return until long after the officers of the other two counties had made theirs, his return, by some inexplicable freak, reached here five days before those of the other two counties, and was gazetted on the 19th of March when a petition was immediately filed. Thus where they wished to file a petition hon. gentlemen opposite managed to get their returns in a long time, fourteen days, before the returns of the other counties. Since this debate has proceeded we have had statements made by many hon. gentlemen in their places as to the facts connected with the returns, as to the time they left the officers' hands and were placed in the post office, and the time they should have reached the hands of the clerk, compared with the time the Clerk of the Crown reports to have received them, showing that he reported having received them long after the time they should have been received by him. There has evidently been wrong-doing on the part of some of the officers in cases which materially affect privileges of members of this House, and I propose to move in amendment to the amendment:

To leave out all the words in the amendment after the word "That" and insert the following instead thereof:—"The following words be inserted after 'That' in the main motion:—'it appearing from the statements of several members in their places that some of the returns should have reached the Clerk of the Crown in Chancery earlier than he reports; and it appearing from the return of the Clerk of the Crown in Chancery that great delays have occurred in transmitting to him and also in gazetting by him many of the returns, and that the returns of the great bulk of the Conservative members were published in the earliest *Gazette* while the returns of the great bulk of the Reform members were delayed, many of them for several *Gazettes*.'"

Mr. TUPPER (Pictou). I do not know whether, in the debate upon the resolution proposed by the hon. gentlemen opposite and the different amendments, attention has been called to the fact that in the House of Commons in England it has not been the custom for years past to venture on this fishing investigation in reference to whether officers of the House or returning officers in the country have or have not performed their duty. Listening to the hon. gentleman from Queen's, Prince Edward Island (Mr. Davies), it seemed to me that he admitted that these returning officers may, one and all of them, have performed their duty in the last election, and that these facts that seemed to carry conviction on their face, to his mind, of wrong-doing may be so explained, when these gentlemen appear in answer to the summons, that all cause for complaint will be removed. I understood from the tenor of his remarks that he at present passed no opinion upon the conduct of those officers other than was passed upon *prima facie* evidence or the evidence at present before the House, which may be met