

would arrive at a just conclusion between the parties, and it is open to parties who feel aggrieved, to either Mr. King or the gentleman returned to this House, to go before that tribunal in order to have it decided as to which of those two gentlemen is right in this contention, as to whether the returning officer is right or wrong in the return he made. The last paragraph of the motion before the House would go to show that the hon. mover, and the friends who are with him in this matter, must have felt their case to be weak indeed when they inserted these words: "Saving, however, to George F. Baird the right of contesting such election, as provided according to the usage of Parliament and the laws of Canada." Why was this inserted in the resolution moved by the hon. gentleman? It was because he felt that some injustice would be done that gentleman by the action of the House, if by the vote of the House his opponent were given the seat; in fact that an injustice would be done to Mr. Baird unless his rights were guarded by the wording of the resolution itself. But those words would have no effect whatever, for even if they were adopted by the House they could not override the statute law. My opinion is that these words could have no effect whatever either to place Mr. Baird in a better position or in a worse position, and they might as well have been omitted from the motion. If the House was to decide by a vote to seat Mr. King, the rights of Mr. Baird would not be altered by those words, and they might as well have been omitted. The hon. gentleman who preceded me went further to show how strongly he felt that the action he asked the House to take would prejudice the rights of Mr. Baird, by saying that if injury was done an Act could be passed to remedy it. Is it not going too far that we should be invited to commit a grave injury which we may not be able to remedy except by an Act of Parliament? And yet this House is asked to place itself in that false position. The hon. gentleman gave his case away when he mentioned that injury would be done and rights swept away, and that we could pass an Act for the purpose of having those rights restored according to law. But we have the proper tribunal for a trial of these cases, possessing jurisdiction and machinery, and it is open to Mr. King or Mr. Baird; and the question as to whether the returning officer acted rightly or wrongly can be easily determined by that court without any great expense, or at all events the one adjudged wrong will have to bear the greater portion of the cost. While I am prepared to vote for the amendment, I would have been prepared to vote directly against the resolution on account of the view I hold, not as expressing any opinion between the parties, not as expressing the opinion that Mr. King did not get a majority of the votes honestly, for I have no knowledge or evidence in regard to it, but simply to express my disapprobation of the course proposed that, although proper tribunals exist in the country for the trial of such questions, this case should be taken out of the hands of those tribunals and drawn into Parliament for the purpose of having it decided here. Simply as a protest against that course I would have voted against the resolution even if no amendment had been proposed; but as there is an amendment I am prepared to support it, and let the case go before the Committee on Privileges. For the reasons given I shall vote for the amendment, because the case should go before the proper legal tribunal instead of our endeavoring to try it here.

Mr. ELLIS. To a layman it is somewhat puzzling to hear the learned arguments which have been adduced on a matter that is exceedingly simple. When I hear hon. members on both sides of the House, who are lawyers, discussing this question, I cannot but think of the remarks of a very able Englishman who once attempted to study law, but who afterwards became famous in English literature, and whose writings have shed

a lustre on our language. After devoting a year in endeavoring to master one of the learned books of the profession he threw it up, declaring that it was a work which weighed four stone, that every sentence in it was inspired by the goddess of dulness, that it was nothing but reflections upon precedents that should be forgotten and of observations upon practices and customs that ought instantly and forever be abolished. It seems to me that, as far as justice is concerned, these remarks would apply to many of the precedents brought forward on the other side of the House. I desire, however, to call attention to the fact that the hon. member for Pictou (Mr. Tupper) has somewhat misrepresented the member for St. John (Mr. Weldon), in that he made it appear that that hon. member said that this was a case in some way which might go to a legal tribunal, to the courts.

Mr. TUPPER. The hon. gentleman misunderstood me if he understood that I conveyed the idea to the House that the hon. member for St. John (Mr. Weldon) had admitted that this particular case was one for a trial. I said, while challenging some of the points he had made, there was one sentence in his speech which I thought was exceedingly correct, and that was, that if there were irregularities in connection with the return, they could be remedied by the legal tribunal. I know the hon. gentleman did not apply it to this case, but I did.

Mr. ELLIS. I will read what the hon. gentleman said. It will be found in the *Hansard* of 15th April:

"The duty of the returning officer was simply the ministerial, or, to use the language of an eminent judge in England, in a very late case, his duty was the arithmetical calculation of the number of votes, and that is all. Beyond that he had no power, and if any of the proceedings were irregular there is a tribunal provided in the Controverted Elections Act by which returns can be rectified. But I say, without fear of contradiction, no power exists in a returning officer to declare an election invalid or to refuse to count up the votes, or to refuse to declare elected the candidate who had the majority of votes."

Now, I think the hon. gentleman, whatever he may have sought to do, conveyed a different impression by the remarks he made to this House. I desire to say that the Minister of Justice, in presenting the case, seemed to present it as though it were a case as between Mr. Baird and Mr. King. I submit that that is not a proper description of this case. It is a case in which the people are the plaintiffs, and they come to this court asking that justice shall be done. It is not a matter affecting Mr. King, except so far as it affects him as an individual in this land, but it is a case in which the majority of the electors of Queen's are interested. But it appeared to me that the hon. gentleman did not exhibit a great deal of earnestness in the arguments he used. The hon. member for Pictou (Mr. Tupper) in his speech ran in the same line as far as Mr. Baird is concerned. He said that a great injustice would be done to him if the House were to act in the manner proposed, because Mr. Baird would be in a worse position than if the House had not acted. I wish to call his attention to one matter—not with a view of introducing political feeling—but I wish to point out that Mr. Baird finds himself in his present position entirely from his own action, and if any wrong is done him by this House doing right he has himself to blame. I wish also to call attention to the fact that the hon. member for Kent (Mr. Landry) has not touched the point at all. He has dealt with the section of the Act which provides for a deposit, and which provides that if anybody wrongfully makes a deposit he is liable to a fine or some other punishment. But the whole case is covered by that section of the Act which provides that there shall be a nomination made in a particular manner and that the returning officer shall give a receipt; and it is a matter of fact that such a receipt was given, for the newspapers contained a report of the proceedings, showing that the nomination was regularly made and that the returning officer gave him a receipt