tained in the several ballot boxes, returned by the deputy returning officers."

Now, the duty of the returning officer is clearly to gather from the statements contained in the ballot boxes transmitted to him by the duputy returning officers, the votes polled for each candidate. The law is quite clear:

"The candidate who shall, on the summing up of the votes, be found to have a majority of the votes, be declared elected."

Now, it appears to me that this section is so clear that I cannot understand how it can be argued that the returning officer's duty is other than purely ministerial, it being to sum up the votes cast for each candidate, and, upon the summing up, to give to the candidate who has the largest number of votes the seat. That does not appear to have been done in this case. There is no dispute about the facts. So far, the facts are manifest from the returns submitted to Parliament, and from these facts it appears that Dr. Robertson had a larger number of votes than Mr. A. C. MacDonald. If that is so, then I submit with all deference that it was the duty of the returning officer to have declared Dr. Robertson entitled to the second seat. There are other papers before Parliament now—I think improperly before Parliament—and, of course, one cannot close ones eyes to the fact that they are there. The returning officer has returned certain other documents—I say improperly returned certain other documents—but they are there, and what do they show? They show he did not return Dr. Robertson because it was alleged by some one that, at the time of the nomination, Dr. Robertson was a member of the Local Legislature. I say a returning officer has no power and no right to transmit any such documents as those to the Clerk of the Crown in Chancery. The Statute states what he shall do in summing up the votes, and what he shall do in declaring the persons having the highest number of votes to be elected. It goes further and specifies the documents which he is bound to send with his return to the Clerk of the Crown in Chancery, and amongst those documents there is no such paper as that which he has seen fit to send here. The law says:

"The returning officer shall also transmit to the Clerk of the Crown in Chancery, with this return, the original statements of the several deputy returning officers, referred to in section fifty-eight of this Act, together with the voters' lists used in the several polling districts, and any other lists and documents used or required at such election, or which may have been transmitted to him by the deputy returning officers."

You will see that the papers which this functionary, who is responsible to Parliament for the proper discharge of the duty imposed on him by law, ought to return, and was bound to return here—and he should return nothing else, except what by law he was called on to return—do not embrace certain documents sent in by him. They do not embrace a protest signed by some electors seven days after the election when the people at the polls had exercised their franchise. But the returning officer has seen fit so to do. I submit, however, that in dealing with this case we are bound to deal with it as if those particular papers had not been here at all. That is the law, and that is the interpretation given to it, though not quite under the same law but under a kindred Statute, when the subject was discussed in Parliament in 1873. On that occasion the late hon. member for Cardwell—whose opinions on all questions of this kind were equal, if not superior to those of any other person—took the ground that the returning officer should not transmit any papers except those provided by law to the Clerk of the Crown in Chancery. It was then contended that a copy of the voters' list was properly so transmitted, and could be used in discussing the question then before the House. Mr. John Hilyard Cameron said: "The House has no right to consider the list of voters, as the Statute in no way allowed it as evidence. In this respect it was altogether different from a poll book and could not be accepted by the House as a fact, without proof thereof. I say that the Statute in no way justifies, warrants, or entitles the returning officer in receiving any such protest seven days after the election was over; that it in no way entitles, justifies or warrants the transmission of it to the Clerk of the Crown in Chancery, and although it happens to be here, having been so transmitted to the Clerk of the Crown in Chancery, we must deal with the case as if the documents in question were not here. Dealing with it in that light and aspect, what have we got? The simple statement of the returning officer of the electoral district that Mr. McIntyre and Dr. Robertson were the two candidates having the highest number of votes, and that being so it was the plain duty of the returning officer to have declared those gentlemen elected, reserving, of course, as he was bound to do, the right on the part of the minority candidate to contest the return if he thought fit. If he did not see fit to adopt that course, any hon. member has the right to bring the matter before Parliament for consideration. At all events, the duty of the returning officer, in my opinion, was plain and simple. It may be said that is all correct, but this is not a question the House should deal with, and it should be disposed of by some other court or tribunal. I say this is peculiarly a case for the House to deal with. The returning officer has not discharged his duty, as I contend, according to law, and Parliament should, at the first opportunity, rectify the wrong done by the returning officer. The course which I propose to invite the House to adopt is that which has been pursued in this Parliament for a long series of years, both before and after Confederation, namely, that when a returning officer failed to discharge his duty, or did not do his duty properly, the House should seize the earliest opportunity to rectify the wrong done, and give to the candidate entitled to the seat, the seat. One could go back over the whole history of Parliaments in Canada—for the last fifty years at all events—and point to a number of cases bearing upon the subject, both before the law was changed with respect to the trial of controverted elections, and after the law was changed. At all events, long after the House saw fit to appoint Select or Special Committees to try controverted elections, the House, over and over again, rectified the wrongs perpetrated by returning officers. If there ever was a period in the history of this country when it was necessary that that should be done, now is the time. We know a good many wrongs are alleged to have been committed by returning officers during the last Dominion Elections. We know, from the facts submitted, that a wrong has been done in this case, and Parliament should not hesitate a moment to rectify that wrong. I will now refer the House to some cases bearing on the question, in order to show that I am not asking the House to take a course in this case which has not been been followed on any previous occasion. I desire to refer to a case which took place about forty years ago in the Parliament of old Canada, and which was referred to about ten years ago, in discussing a similar proposition to the one I propose submitting to the House, but it will bear referring to again. It is the Beauharnois election case. Mr. Jacob DeWitt and Mr. Duncombe were the candidates. It was alleged in that case that some of the poll books had been stolen and some burnt. A special return of the facts was made in that case. The majority candidate was not declared elected by the returning officer; but when the matter was submitted to Parliament, it at once, without any reference to a Committee, resolved that the return should be amended. And motion was made that, as it appeared by reference to the poll books, that Mr. DeWitt had a majority of the votes, the House rectified the mistake committed and amended the return. There are many other cases perhaps much more on a parallel with this one; but I have referred to this case because it happened to catch my eye when I was examining the precedents in the library. I will refer to a case which occurred some years afterwards in the Parliament of old Canada, and which is strictly analogous to the one now