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handed in. He maintained that he had no right to entertain that question. His duty was limited by the express language of the statute, to the consideration of who had the majority of votes, and he had no right whatever to consider what the law was in reference to this part of the disqualification any more than to any other part. There were many grounds of qualification. There were many offices, the holding of which rendered a man incapable of being elected,—would it be pretended for a moment that the returning officer had the right to determine that a man was disqualified from being elected by holding any of those offices.

Consider for an instant the consequence of such a decision. Where would they draw the line? If the returning officer decided this question as to the point of time; had he not the right to decide as to the sufficiency of the declaration of qualification as a statutory document? The form of declaration was prescribed by statute; suppose a declaration was to be given in that did not comply with the terms of the statute, was the returning officer to be the judge? The duty of the returning officer was plain and simple, and it was the interest of every man in the House, who expected to be able to retain a majority when he went back to his people, to see that his right to get the fruits of the expectation and secure his seat was not to be impaired by the proposition that the returning officers, who, it was barely possible hon. gentlemen opposite would admit might not be so favourable to them as a majority of the returning officers were among the late election, should decide.

What have we got in this case? The returning officer reported that 705 votes were cast for Mr. Cluxton, and 745 for Mr. Bertram. Having in pursuance of his statutory duties ascertained the number of votes, and finding Mr. Bertram had a majority, he proceeded to supplement his duty by declaring the return of the gentleman against whom a vote of want of confidence had been recorded by the people and he sent to sit here and represent these people the man whom they had just before rejected at the polls.

What had the member for Middlesex East (Mr. Glass) to say upon this subject? Was he disposed to adopt the construction that the returning officer should have omitted the poll for the township of London on account of certain irregularities therein? The duty of the returning officer was prescribed by the statute. He was to ascertain the number of votes cast, as certified and sworn to by the several deputy-returning officers and the poll clerks were to swear to the return. In the division, where the hon. gentleman got his majority, the deputy-returning officers and poll clerks did not swear to the returns—would the hon. gentleman from Middlesex East say that the returning officer should have taken upon himself to reject those returns, because of the decision? In many large constituencies, he dare say there were many irregularities in the poll books. He did not want to make the returning officer the judge on those points. He maintained he had not fully established the position which he undertook to make out. When he had shown that, according to the law, the returning officer was excluded from considering whether a man was qualified or disqualified, and was limited to the consideration whether a man had or had not the greatest number of votes.

He might say a word or two upon another question, not directly material to the consideration of this question, but which, no doubt, would be imported into it. Assuming that there was a demand for the qualification—with reference to which there was a question of fact—the declaration of qualification was made anterior to the close of the poll, anterior to the receipt of all the poll books by the returning officer, and anterior to the making up of the return under the Consolidated Statutes provision. Was that when any declaration was required? The candidate called upon to make the same might do so any time during the election, provided it be made before the proclamation to be made by the returning officer at the close of the election. It was also provided that any candidate who delivered his declaration at any time before the proclamation, was to be taken as complying with the law to all intents and purposes, as regards such declaration.

Hon. Mr. BLAKE explained the law on this point, and showed that the declaration was in time if made at any time before the election was closed by the returning officer making a return. Certainly it was in time if before the returning officer had received all the poll books, and therefore could not have made up his return. Under the English statute it was proved that the declaration was in time if made at any time anterior to the day mentioned in the writ for the meeting of Parliament, and this was interpreted to mean the day for the actual meeting of Parliament. But suppose that it was admitted that the returning officer was right in this case as to the declaration, would any man pretend to say his result was correct? The law with reference to disqualification was that, unless the existence of the disqualification was made known to the electors before they voted, the result was not that the minority candidate was elected, the result was a void election.

He referred to a case in England in which a mayor, who was also a returning officer, returned himself elected to some municipal corporation. There he was disqualified by reason of his being the returning officer. It was found that as a matter of fact the electors had been warned that he was disqualified, yet it was determined that their votes were not thrown away, and they had been cast for a dead man and the result was a new election. In this case, would any one pretend that any elector could have known of the disqualification of Mr. Bertram because it might have been delivered at any time before the close of the poll? The electors did not believe Mr. Bertram was disqualified, and they were not throwing their votes away. They decided not merely in favour of Mr. Bertram, but against Mr. Cluxton, who, he was glad to see had sufficient self-respect not yet to propose to occupy the seat in the House.

Another observation, and then he would be done. The last Parliament, in the plenitude of its wisdom, thought proper to pass a law which had been called by many unsavoury names—the Costigan Bill which did give the returning officer power to return a minority candidate, but that was only with reference to one particular kind of disqualification, and the framers of that Bill found it necessary to give the returning officer express power to return a minority candidate, show that they did not consider that he had power under the existing law. But this law did not apply to the