The hon. gentleman has referred to a series of decisions which were made in the House of Commons in England —some five or six decisions—tending to confirm the view which he urged on the House, that the duty of a returning officer in a parliamentary election was not judicial but purely ministerial, and tending to confirm his contention that it was the right and duty of the House—when the returning officer usurped any other than ministerial functions—to correct his return and to seat the member having the majority of votes. It is quite true that a long course of decisions has established that line of procedure, not only in the Imperial Parliament, but also in the Parliament of Canada. But the hon. gentleman who made the motion and who cited those precedents to the House, requires to go back, to search for those precedents, to a period in respect of which the precedents have not by any means the force and weight, either in the Imperial Parliament or the Colonial Parliaments, which decisions of a subsequent period would have. Twenty years ago, in the Imperial Parliament, the gravity of questions connected with parliamentary elections, the necessity of having them adjudicated upon by an entirely impartial tribunal, led the Parliament in Great Britain to adopt an Act which relegated to the judiciary of the country the disposal of all questions connected with controverted elections. Upwards of ten years ago in the Dominion of Canada a similar Statute was not only adopted by the Parliament of Canada, but adopted by a number of the Provincial Legislatures. Now, Sir, the hon. gentleman has not cited to this House any precedents whatever subsequent to the adoption of that radical change in the law regulating the trial of controverted elections, which would sustain in the slightest degree the action which he proposes this House should take this afternoon. I desire, in the first place, to emphasise the point that the precedents which he has suggested to this House are precedents which were adopted at a time when the procedure in connection with controverted elections was regulated by a law entirely different from that which now prevails. The House will see the force of that position when I remind the hon. member that at that time, and under that procedure, there was no other course for the House to adopt. The House of Commons of Great Britain was the only tribunal by which the rights of its members to seats in that House could be adjudicated upon. But subsequently to that time, as I said before, by the change which transferred that litigation to the judiciary of the country, an entire alteration was made in the system of dealing with this question, and the very absence of any precedents subsequent to that change, is a strong argument against the action of the House which the hon. member proposes to be taken this afternoon, and by which the hon. gentleman asks this House to take back once more the power which it has transferred to the judiciary of the country, and to be seized again of the right to dispose of the controverted elections of its members. Now, I am sure that the hon. gentleman will find—doubtless he remembers without any research as to the question at all—that the questions which have arisen since that change in the law have been precisely analogous to those which have been presented to this House. It is not the first time that the House of Commons of Great Britain, or the House of Commons of Canada has been asked to deal with questions, or that the courts have dealt with the election of members of that House, in which it was claimed that the returning officers had usurped functions that did not properly belong to them, or that they had returned persons to the House who had not received the majority of the votes. But, as I reminded the hon. member at the outset, he will have to look from the change in 1867 down to the present time, in the records of the judiciary of the country, and not in the records of the House of Commons, for precedents to find where redress was given in such cases. Since the change which I have referred to, and by which Parliament has renounced its rights to deal with the matter of controverted elections, there has been fully recognised in the various discussions that have taken place in the Imperial House of Commons, this principle, that everything has been transferred to the judiciary in connection with controverted elections, excepting the one question of the disqualification of persons who have been returned to Parliament. As was said by Sir Henry James, in 1882, in the case of Michael Davitt, the only question which Parliament has reserved to itself to deal with is the question whether a proper person has been returned in obedience to the writ. As was explained by Lord Coleridge and Lord Selborne in a previous debate in 1870, that reservation is not in conflict with the Statute which says that the election shall only be contested by an election petition, because the House has to consider whether the writ has been obeyed which commanded the electors of the shire, or the county, to return a suitable person (one of the *magis idoneos et discretos*) to sit in that House. The House, therefore, is still seized of the right to decide whether the writ has been obeyed by the election of a person who is fit and proper to sit in that House. But as soon as the question has been decided as to the qualification of the person so returned, the conduct of the returning officer, or the number of votes which were received, the conduct of the candidates, and every other question connected with the election, or with the conduct of the returning officer, has been relegated to the judiciary, and the House has always declined to exercise its functions and its power to interfere. In 1870 there was, in the Imperial House of Commons, a practical illustration of the exercise of the power which the House of Commons still reserves to itself; that was, as I said before, the one question of whether a qualified person had been elected or not. On account of O'Donovan Rossa, a convicted felon, having been elected in the House in 1870, the House of Commons resolved that the election was void, and ordered a new writ to issue, thereby exercising the right to decide whether a fit and proper person had been returned to Parliament. But you will remember, Mr. Speaker, that in that case, although they declared the election void and ordered a new writ to issue, there was no attempt to do what the hon. member asks the House to do this afternoon, namely, to seat the opposing candidate. Well, Sir, in 1875 the same right of supervision as to the obedience given to the writ was exercised in the House in the case of John Mitchell, and the same action was taken. The House of Commons resolved that inasmuch as the person returned under the writ was a convicted felon, the writ had not been obeyed. A person had, in point of fact, been returned by the sheriff to sit in Parliament who was civilly dead in the eyes of the law, and therefore incapable of sitting, and again a new writ was ordered to be issued. At the election, which came on in the same year, Mr. Mitchell's name was again presented to the constituency, and again he was returned to Parliament, and although in that year that person, who had already been adjudged incapable of sitting in Parliament, and incapable of being returned to Parliament, was re-elected, the action which the House, at the instance of Mr. Gladstone, took, was not to do what the hon. member proposes this afternoon, that is, to declare the person who had been returned, not lawfully returned, and seat the other person, but the House simply reiterated its determination that a fit and proper person had not been elected; it then stayed its hand, and the opposing candidate to Mr. John Mitchell in 1875 had to resort to the courts by election petition in order to get the seat, which the hon. member for St. John (Mr. Skinner) moved that this House shall give Mr. King by vote this afternoon. In 1882 in the case of Michael Davitt, precisely the same procedure was followed, and hon. gentlemen will find, with