

The Clerk of the Crown in Chancery having been called, appeared, and the return was amended as required by the motion.

Hon. Mr. BLAKE said he heartily rejoiced to note the action taken in this matter by the leader of the Government. It was gratifying to know, after the amount of reasoning expended by his friend opposite, in the case he (Hon. Mr. Blake) had formally brought before the House, to prove that the House had no power to deal with these questions, that he had voted the other way today—(*hear, hear*)—but the case had assumed a different phase on this occasion, and influence had been brought to bear on the leader of the Government, which he (Hon. Mr. Blake) could not have had if he had spoken till doomsday. (*Hear, hear.*)

The hon. gentleman had said that this House had no jurisdiction when he (Hon. Mr. Blake) moved to amend the return in the Peterborough case, but the hon. gentleman had now changed his ground, and if his convictions remained the same it was also a fact that he had voted in this case against his convictions. When the hon. gentleman had stated that the House had no right to interfere in such cases, he had laid the principle down in such a manner as to make it applicable in all cases, and in proposing to refer the matter in dispute to the Committee on Privileges and Elections had appealed to the hon. gentleman from the country.

As to the justice of the principle involved, he (Hon. Mr. Blake) would like to remind these gentlemen on this occasion that the agreement was one made by the right with the left and not one by the left with the right. The entire force of the reasoning of hon. gentlemen opposite in the Peterborough case had been revised by their conduct and their vote today. The whole ground which they had occupied on the previous occasion had now been deserted, and the whole effect of the majority of votes upon the division on Friday had been destroyed. (*Hear, hear.*) The hon. gentleman had said that there was a difference between the cases. What was the difference? He (Hon. Mr. Blake) would tell them.

At this stage, Mr. Cockburn entered the Chamber, introduced by Messrs. Mackenzie and Dorion. He subscribed to the oath at the Clerk's table and took his seat for Muskoka in the House amid loud cheers from the Opposition.

Hon. Mr. BLAKE, resuming, said he could inform the House what the difference between the cases was, and he was glad to be able to do it in the presence of the hon. member for Muskoka. (*Cheers.*) It was simply that in the one case the returning officer had failed to do his duty in returning a man to this House who had only a minority of votes, and in the other case omitting to return as elected either the candidate who, by receiving a majority of votes, was entitled to be returned, as was the candidate in the other case, or any other person to represent the constituency. It was not easy to see where such difference was as would lead the hon. gentleman opposite to take such an opposite course, and he felt certain he did not, even with reluctance, until he found that otherwise he would be beaten. Then he determined to sacrifice his convictions, as his enemies said he had frequently done before, to maintain his majority in the House. (*Loud cheers from the Opposition.*) The hon. gentleman had done the same thing on former occasions with

results of this description (*hear*), and he might apprise the hon. gentleman further that the happy precedent to which he had just given his assent would doubtless be taken advantage of when in any similar case the House desired to discharge its duty.

With regard to the returning officer, he thought the case was perfectly clear. He might remark that Mr. Read, who it was said had been consulted in regard to this matter, if he had given any opinion about it at all, should not have hesitated for a moment to determine that the proper course was to return Mr. Cockburn. It was now left to the returning officer to state his case. If he had one he (Hon. Mr. Blake) had no hesitation in saying it was a case in with the duty of the returning officer was plain to return the candidate having the majority of votes. This had been disregarded.

He would tell the hon. gentleman opposite (Hon. Sir John A. Macdonald) that it was broadly stated that the Premier had asserted that the matter was in his own hands, and he would take good care that Mr. Cockburn should not occupy a seat in the House this year at least. Of one thing he was certain, for he had himself read that this assertion was repeated in effect in Sir John A. Macdonald's organ, which had openly congratulated its friends and the country on the fact that Mr. Cockburn was out of Parliament. It was gratifying to know that those assertions of the hon. gentleman, if he had ever made them, as well as his arguments and vote on Friday had been ignored and reversed today. (*Hear, hear.*)

He would ask the House if the returning officers were to continue to be permitted to get up sham difficulties in order to prevent the return of any member, and put him into the position in which Mr. Cockburn was on this occasion place, as well as to trifle with the House and the country. He did not ask the House to pronounce judgment on the officer until he had got a fair opportunity of stating his case.

In conclusion, he moved that Mr. Speaker do issue his warrant summoning Mr. Richard James Bell, returning officer of the electoral district of the county of Muskoka to the Bar of this House, on Monday, 24th day of May 1873, to answer for his return in the recent election in the said district.

Hon. Sir JOHN A. MACDONALD thought it would have been better if the hon. gentleman had refrained from his remarks respecting himself, as he had infringed a rule of the House in reference to a previous debate. He (Hon. Sir John A. Macdonald) went on to contend that there was a marked difference between this case and the Peterborough West case. In such matters the Government stood in a different position from the Opposition. The Government were bound to stand by the law even if it were unpopular. He had already said that in accepting the resolution, he did so with the greatest reluctance, and his hon. friend need not suppose that it was from political feeling he did so. He believed on the whole it would be infinitely better for the independence of Parliament if the law as he had laid it down on Friday was rigidly carried out, that in no case shall Parliament interfere that, on the whole, would have been the correct rule to take.

If it be true, as was alleged, that the returning officer had consulted legal authorities, and he was brought to the bar of the