that subject, for he is the only one who has the evidence before him, and therefore at his suggestion it would be proper for the Government to issue the writ. That opinion of the judge appears to be strengthened by statements in other parts of his report. It appears that only two voters were proved to have been guilty of corrupt practices, of whom one has been punished, and proceedings against the other are now pending. In these circumstances, in the face of the judge's advice to the House that, in his opinion, any further enquiry would be useless; in the absence of any statements from a responsible Minister that he has information justifying any further enquiry, and there being no legal question on which the Committee on Privileges and Elections should be called to pronounce, it seems to me that the more liberal and straightforward course for the House to take would be to order that the writ do issue at once. If the judge had not given us the information he has, I for one would have been inclined to favor the adoption of the English practice as the only proper one, namely, that a Royal Commission should issue, so that when we had the evidence before us we could form our own opinion as to whether the constituency should be disfranchised or not. The judge's opinion is not exactly limited as the Minister of Justice stated. It is as follows:—

"I am not, however, of opinion (so far as I can form an opinion from anything which came before me on the trial) that the enquiry into the circumstances of the election has been rendered incomplete by the action of any of the parties to the petition, or that further enquiry as to whether corrupt practices have prevailed extensively is desirable, by which term I understand likely to prove useful or effectual."

In the absence of other information, I think we ought to accept the judge's opinion, and if we do there is no other course open to us but to issue the writ. It seems to me, therefore, that the reference to the committee will only cause delay, incur a precedent which may not be desirable, and not be productive of any good.

Sir JOHN A. MACDONALD. I understand, from the hon. gentleman's speech, as well as from the speech of my hon. friend from Quebec, that they agree that the matter is a matter for the House and not for the Speaker.

Mr. LAURIER. Yes.

Sir JOHN A. MACDONALD. That is to say, the warrant could not issue from the Speaker on the report, but it was an action for the House. If that is the case, the House has to deal with the matter. I contend, as I have always contended, that the House ought not in any case to interfere when a point of law is raised, without the advice of the Committee on Privileges and Elections, which is a body specially chosen from the legal experts on both sides of the House to advise the House in all such cases. I think it is of very great importance that the rule should be invariable, that when any question of this kind comes before the House, on which there can be any doubt whatever, the House should get the assistance of the standing committee which it has appointed for that purpose.

Mr. MILLS (Bothwell). I do not understand, from the observations which have been made on either side of the House, that there is any matter in doubt. The judge has reported that, in his opinion, corrupt practices have extensively prevailed in the constituency. That was sufficient to prevent you issuing the writ immediately. But what is the question at law? Upon what does the House seek advice? I fancy the hon. gentleman does not propose, under any circumstances, to disfranchise the constituency. We are not exactly in the position of England in that respect. Each Province is entitled to a certain representation under our constitution. This Parliament has no right to alter the proportions of that representation, and if the hon. gentleman were to propose to disfranchise the constituency on account of corrupt practices, he would have to find another constituency in the Province of Ontario, to which the right of representation should be, for the time, given. Now, I think that is a very grave question, and it is one which ought not to be raised upon such a report as has been made in this case. If the hon. gentleman thinks that corrupt practices have prevailed extensively in a constituency, and that an investigation should be had for the purpose of ascertaining the extent of those corrupt practices, and meting out punishment, under the law, to those who do not appear to have been adjudged at the trial, that is a matter which can be attended to after the writ has issued quite as well as before. It is wholly independent of the issue of the writ. It is not necessary that the issue of the writ should be delayed for the purpose of pursuing that investigation. The only occasion for delaying the issue of the writ is where corrupt practices have been carried on to such a serious extent as to warrant the House in recommending the withdrawal of the representation from the particular constituency. Now, I have no doubt the First Minister and the Minister of Justice have examined the evidence in this case. I apprehend that they would not, upon the mere recommendation of the judge, without looking at the evidence supporting that opinion, have proposed so grave a course of procedure as that recommended to the House. I venture to say that no election trial has taken place in the Province of Ontario—I do not know what has been the case elsewhere—not even that in which the First Minister was held to have conducted his election in Kingston fairly, in which fewer corrupt practices have been disclosed than in the very election trial which Judge Osler here reports. There may have been something in the conduct of the witnesses who came before the judge, to give him the impression that corrupt practices extensively prevailed; but I think that has not been disclosed in the evidence taken at the trial. The hon. gentleman does not for one moment seriously entertain the idea of disfranchising the constituency. There is then no reason whatever why the issuing of the writ should be further delayed. The writ may be issued at once, and if the hon. gentleman thinks that it is necessary—if these parties that the judge may have had in his mind have been guilty of corrupt practices, and ought to have been punished—then he can proceed with that enquiry under the statute, without reference to any delay in issuing the writ.

Sir JOHN A. MACDONALD. I do not want to have further enquiry, because the judge has stated it is not advisable to have further enquiry. The hon. gentleman volunteers the statement that this constituency has been exceptionally pure, to use a phrase used elsewhere. Is he not rather bringing a serious charge against Judge Osler, who says it has not been exceptionally pure, but that corrupt practices have prevailed there. The hon. gentleman says there is a difference between our constitution and the English constitution, in that every Province here has the right to be represented by so many members. I thought Scotland had a right to have so many members, and Ireland and England; and yet this statute has been passed giving power to suspend an election in any one of the three kingdoms, without the charge being brought that either England, or Ireland, or Scotland, as the case may be, was disfranchised, or the proportion of representation altered.

Mr. MILLS (Bothwell). I would like to ask the hon. gentleman whether the Parliament of the United Kingdom cannot change the proportion, whether the Parliament of the United Kingdom is not supreme, and whether this Parliament is supreme to change the constitution and determine that representation shall be other than by population?

Sir JOHN A. MACDONALD. That is not the question. The question is this: Each of the three kingdoms has the right to be represented, of course, in a certain proportion; and until our law is altered by the Imperial power, by the