made otherwise than according to its provisions. Remembering this, he would refer to a very late precedent in England. On the 10th of February, 1870, the return of Jeremiah O'Donovan Rossa was laid on the table of the House, and, he having been adjudged guilty of felony, and sentenced to a penalty of servitude for life, it was resolved that he was incapable of being elected and returned as member of that House. The motion was made by the leader of the Government and supported by the leading men of both sides, and by almost the whole House. Some gentlemen, it was true, contended that the statutory provision to which he had referred, by which it was declared that no election or return should be made otherwise than under the provision of the Act, excluded the jurisdiction of the House; but the lights of the House on both sides agreed that Parliament had an inherent right to act in such cases. An amendment was proposed to the effect that a committee be appointed to examine into the precedents and law of Parliament and report to the House what steps ought to be taken under the circumstances.

That amendment received only eight votes, while 301 voted for the motion, the leaders on both sides being included in the majority, immediately after the order for a new writ was issued.

There were various precedents in the Parliament of the late Province of Canada. There were many cases in which the decision of former Parliaments were not to be considered of such great importance in the assemblage, containing representatives from all the Provinces, the decision of whose parliaments had, of course, equal weight. But in this case, which involved the adjudication of questions under the electing law of the late Province of Canada, of course the resolution of that parliament would have peculiar weight. He was sure he need not call the attention of the hon. gentleman who sat opposite him (Hon. Sir Francis Hincks) whom he was glad to see looking so well after the year's residence in the far-west necessary to qualify him for sitting in this House for Vancouver. (*Laughter*.) He need not remind him of the case of North Oxford. In that case the returning officer, a friend of the gentleman whom he was lately following, took upon him under a law more obscure than the present law, to judge of the sufficiency of the declaration of qualification of that hon. gentleman. By 40 votes to 12 the House determined that the conduct of the returning officer was not right, and they gave the seat to the honourable gentleman forthwith, saving the rights of all candidates or electors to petition, which was done shortly afterwards, but without success.

Hon. Mr. BLAKE proceeded to quote the cases of the Kent and Beauharnois elections and the Brodeur case. There was also the case of Lennox and Addington in 1862, in which the returning officer found something like the Middlesex East case. There had been some irregularities with reference to the lists that had been used, and because of that could not determine who was the properly elected member. The House, however, found no difficulty. They determined unanimously that the returning officer's duty was to return the gentleman having the majority of votes, who was then returned and allowed to take his seat.

A later case was that of Essex, which came up in 1863, and the decision of which devolved upon the gentleman who occupied the chair. There was in this case a majority of one. Mr. Speaker decided that the one vote, which comprised the majority, was not legal, and that, therefore, the votes were even. Whether any other votes on either side should be taken off on either side, was a question of fact, and that he did not think that the House was in a position to judge of the question; and in that manner he provided a solution of the case.

He would now trouble the House with a short history of the statutory law, in reference to this matter. In 1842 an Act was passed which provided that the returning officer should sum up and ascertain the state of the polls, and declare elected the person who should have the majority of votes under that law. The general election of 1847 was held, and it was under that law that the returning officer for Oxford made the return he had adverted to.

It was thought expedient in consequence of the conduct of this returning officer, to amend the law so as to define more clearly the duties of the returning officers, so that he who ran might read, and the law of 1840 passed. That law provided that the returning officer should ascertain the state of the poll by counting or adding up the total number of votes taken for the several candidates and as soon as he ascertained the total number of votes, he was to proclaim as being duly elected the person who should have the majority of the total number of votes counted. It was found shortly afterwards that there was an ambiguity in the language, and that possibly the conclusion might be reached that the successful candidate would have to have a majority of the total votes cast for all the candidates.

This ambiguity was removed by the amendment, and the law remained in this state for many years, till the consolidation of the statutes, when it was practically consolidated in the same form by the 65th section. It was thought expedient, on the eve of Confederation, to abolish the show of hands at nominations and the formal declaration of the election. It was provided that the day for closing the election should be fixed. So much of the Act as required the counting of the votes cast for each candidate by the returning officer was repeated and it was provided that the returning officer should, within 48 hours after receiving the poll books and ascertaining the total number of votes as certified and sworn to by the several deputy returning officers, transmit his return to the Clerk of the Crown in Chancery. The return was to be based upon the sole consideration, which was the candidate who had the largest number of votes as shown by the poll-books.

He maintained that, under this law, considering also the fact that there was express provision in the law against a scrutiny by the returning officer, it was the duty of the returning officer, on receiving the poll-books, to return as duty elected the man who had the majority of votes.

It was contended in this case that he had the right to consider the question whether Mr. Bertram was disqualified for being returned by reason of the period at which his declaration of qualification was