

ballots deposited on the Table and counted by the Clerk of the Crown, he prefers to ask the witness what he knows about them. If what the witness believes whom he and his friends have called to the Bar, is not satisfactory evidence, of what value will that be in which he does not believe? The witness answered, as I thought perfectly fair, as regards the correctness of the return put in his hands, as to their being copies or not—he was not allowed an opportunity of comparing them, but notwithstanding that he answered: I believe them to be true copies of the originals. Now I submit they are far better evidence than anything the witness can say about them, both as to the fact of receiving the nomination papers, and as to how the vote stood after a poll was had.

Mr. BURDETT. If the Minister of Justice states that he refuses to permit that question to be asked, and calls on his followers to vote it down—

Some hon. MEMBERS. Oh; shame.

Mr. BURDETT—otherwise I ask the question and I want it answered.

Mr. THOMPSON. I am not refusing to have it put; I am not asking any hon. gentleman to vote it down; I am not calling upon my followers or anybody else to vote at all. I am asking if it is not better to refer to the record we have in the Votes and Proceedings, as to anything which took place in writing and by the ballots cast in the election, than by asking the opinion of the witness at the Bar as to what the documents contained. I ask that, more especially in view of what the witness answered on a former occasion. It struck me that he answered it fairly, when he said he could answer only from recollection, but that he believed that the paper produced was a copy of the original paper. Can he answer this question more fully? Could we desire anything more than his admission that he believed that the official record of the papers was correct?

Mr. DAVIES. I think there is a good deal in what the Minister of Justice says, but the object which my hon. friend has, I presume, in asking the question, is to have in a succinct form all the material facts upon which hon. members may be guided, in coming to a conclusion hereafter. It is true, they may be governed by what is found in the Votes and Proceedings, away back on the 25th of April, but if the question is now asked the witness, it is not a question of belief. He knows who were the candidates, he is the man who received the money, he knows whether he received it or not; he is the man who had the poll and he knows whether—

Some hon. MEMBERS. We all know it.

Mr. DAVIES. We know it unofficially, as we know many other facts, but not officially.

Some hon. MEMBERS. Yes, we do.

Mr. DAVIES. I do not intend to argue the question; the information may perhaps be fairly gathered from the papers, but there are many hon. members who think it would be advisable to have this information from the witness' own mouth, in a clear, succinct form, as the facts are within his knowledge. My hon. friend (Mr. Burdett) reminds me that these ballot papers never went to the Clerk of the Crown in Chancery at all, and, therefore, I think this is a proper time to ask that particular part of the question.

Mr. McCARTHY. Does the hon. gentleman say that the ballots were not sent to the Clerk of the Crown in Chancery?

Some hon. MEMBERS. No, they were not.

Mr. McCARTHY. They were returned from him.

Mr. DAVIES. They were ordered by the Order of this House.

Mr. McCARTHY. To the Clerk of the Crown in Chancery.

Mr. WELDON (St. John). But not in a formal way.

Mr. McCARTHY. What is the difference when they came through his hands? What more formal statement could we have than the announcement printed in the papers. If it is important to have a statement from the witness, and if that is to be treated as better evidence than the return itself, then we may have to ask the whole story. Surely we should rely on the written evidence we have as the best evidence.

Mr. THOMPSON. I call the hon. gentleman's attention to page 16 of the Votes and Proceedings, in which the report of the returning officer appears, and then to page 73, where the other documents appear. The question is asked whether he did not receive the nomination papers of the two candidates. Now, on page 73 he not only admits that he received them, but he sets them out in full, and then on page 77 he gives the number of votes cast for each candidate in the election. I can assure hon. gentlemen opposite that so far as members on this side are concerned there will be no pretence that that record is not before the House.

Mr. TUPPER. Not only so, but on the evidence which has been referred to, and which is found in the Votes and Proceedings, hon. gentlemen contended at great length that no further evidence should be taken in this case; that everything was fully before the House; that the House was seized of all the facts, and should come directly to the conclusion that Mr. King was the candidate who should have been returned at that election—the candidate who was properly nominated, the candidate whose nomination was fully explained by the returning officer's return, the candidate who received the majority of the votes—and they asked the House on that ground to say that there was no reason for enquiry, no further evidence to be produced and to vote Mr. King into Mr. Baird's seat. After taking that ground it does seem odd that they should to-night pretend that this evidence is insufficient, or difficult to be understood, and that we should now begin all over and have the evidence taken orally with these official documents before us.

Mr. DAVIES. Perhaps the explanation may be found in this fact, that the papers may have been in such confusion as they came from the returning officer, as to lead my hon. friend to come to the conclusion that Mr. King did not receive a majority, while they led other hon. members to the conclusion that he did.

Mr. TUPPER. There was no confusion about the facts; the facts were admitted. The decision of the House was in favor of leaving this matter to the election courts, and there was no dispute as to the facts. No hon. gentleman in that discussion raised a single question of fact. The discussion was on a question of law, pure and simple.

Mr. WELDON (St. John). Assuming all that the hon. member for Pictou says, I do not think it makes this question an improper one.

Sir JOHN A. MACDONALD. We have the best possible evidence on this question before us. The hon. gentleman wishes to supplement the best evidence possible by inferior evidence.

Mr. BURDETT. I do not wish to be technical in this question, but the point that occurs to me is this, that the witness does not admit the accuracy of the copy of the original document. He says there may be verbal differences. For all we know, the verbal differences may be that Mr. Baird had the majority of votes, and it may be asserted by the person at the Bar and his friends. If the person at the Bar is willing to admit that the documents in the Votes and