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House of Commons Debates.

SECOND SESSION—SEVENTH PARLIAMENT.

SPEECH OF MR. MILLS, M.P.,

ON

DUTIES OF ELECTION OFFICIALS.

FRIDAY, MARCH 4TH, 1892.

DUTIES OF ELECTION OFFICIALS.

MR. MILLS (Bothwell) moved :

That it is the undoubted right and duty of the House of Commons to see that the returning officers and other officials who have duties imposed upon them in the election of members to this House, act with perfect fairness towards the various candidates, and to hold such returning officers and other officials to the strict discharge of their duties; and this House further affirms that the trial of election petitions by the courts does not lessen the authority of the House over such officials, nor take away the necessity for its supervision.

He said: Mr. Speaker, I gave notice yesterday, with the assent of the leader of the House, that I would to-day make a motion in reference to the duties of this House in relation to the elections which may be from time to time held. The motion which I now propose affirms that it is the undoubted right of the House of Commons to see that the returning officers and other officials who have duties imposed upon them in the election of members to the House, should act with perfect fairness to the various candidates, and to hold such returning officers and other officials to the strict discharge of their duties. The motion also says: "This House further affirms that the trial of election petitions by the courts does not lessen the authority of the House over such officials, nor take away the necessity for its supervision." I think, Sir, that the doctrine laid down in this motion is too clear to admit of controversy. The House is the judge of its own rights and privileges, and it is also its duty, as the representative body of the nation, to see that those who become members of the House, do so in accordance with the provisions of the law of the land. I do not say, Sir, that it is always necessary that this supervision should express itself actively; it is sufficient that it potentially exists, called into activity only when there is some abuse, some disregard of duty, some misconduct or malfeasance in office on the part of officials who are required to discharge duties in the way prescribed by the law of the land. The subject is an important one, because every departure from perfect fairness in the discharge of duties by an official may affect the results which ought to be accomplished by the

exercise of the elective franchise. The effect of such unfairness may alter the representation in Parliament; and in so far as it accomplishes this end, the influence and respect which this House should command in the country will be seriously weakened. It must not be forgotten that under our system of parliamentary government the administration is always an interested party. But there is one marked difference between our system and that which exists in England, that here the Ministry as an interested party have it within their power to exercise an amount of influence, and to exercise that influence in an undue way, which is not open to an Administration in the United Kingdom. I say, Sir, that this power in reference to elections, which is possessed by the Ministers here in a larger degree than it is possessed by Ministers in the United Kingdom, requires on the part of this House even a more active vigilance than is called for by the duties that devolve upon the House of Commons in the United Kingdom. In the United Kingdom, the Clerk of the Crown in Chancery, when he receives the warrant of the Speaker, is required to issue the writ to an officer appointed by the law, a permanent official of the House, for the purpose of having an election in a particular district. It is not open to the Administration to interfere. The power of Ministers over the Clerk of the Crown in Chancery, their power to interfere with him in the discharge of his duties, so far as the law is concerned, is there no greater than the power of other members of the House of Commons. But, Sir, that is not the case here. A few years ago, an Act was passed in this House repealing the law which named certain officials as permanent officers of the House for the purpose of holding elections. So long as that law continued on the Statute-book, it was open to the Clerk of the Crown in Chancery in Canada to discharge the duty in precisely the same way that the Clerk of the Crown in Chancery in the United Kingdom discharges his duty. But, Sir, by the repeal of that law, the relation between the Administration and the Clerk of the Crown in Chancery was very seriously interfered with. The Administration was given a control over that officer in the discharge