

shall not have seats in this House, have been relegated to the courts of law, and I do not think we should in any way interfere with the jurisdiction that we ourselves have conferred upon them. Even taking this as an extreme case, in which the House ought to interfere, if it should in any, I think it is better in the interest of the whole country, and in the interest of this House, that we should do an act of seeming injustice than that we should depart from a principle which the experience of this House and the experience of the country, and also the experience of the Parliament of England, has shown to be necessary for the maintenance of the integrity and independence of this body. Now, if the proposition of the hon. member was simply one of condemnation of the returning officer, I would have voted cheerfully and heartily for it; but when he couples with that a proposition which is entirely antagonistic to the principle this House has adopted and ought to adhere to, I have no choice but to vote for the amendment of the hon. the Minister of Justice. Now, one word with regard to the remarks made by the hon. member for North Essex. I think, Sir, nothing could be worse for the independence and character of the members of this House than for either the Government or the Opposition to draw party lines with that severity that would necessarily compel members to abandon their independence altogether, or else, as a matter of choice as well as a matter of necessity, to quit parliamentary life altogether. I, for one, while admitting the necessity of party government, and feeling that, under present circumstances, we are obliged to have party government, would never consent to occupy a seat in this House if, on every question that arose, I was to be told by gentlemen on the Treasury benches or on their behalf, I would have to vote with them or else be placed in that uncomfortable position in which I have found men are liable to be placed who exercise any independence in this House. On this occasion, if I felt that the proposition laid down was not one which was justified by all those considerations to which I have alluded, and one which I think this House is bound to adhere to, from the course previously taken, I should have no hesitation in taking the same course as the hon. member for North Essex. But I do not agree with him. I think this House is justified in adhering steadfastly to the principles established that all these matters should go to the courts for settlement. We do not know what evil might arise from a departure from that principle as a matter of general policy. I make those remarks because I think it is right and just that, in a matter of this kind, every member should act with independence. In a question of this kind, which is not a party question, which is, to a certain extent, a question of legal construction and also of public policy, I think every member should exercise his independent judgment; and the vote I give, I give, not because I think the gentleman who by courtesy occupies the position of the member for Queen's ought to have a seat in this House, but because I think the House would not be justified even under present circumstances in departing from the principle laid down. I further say that that gentleman would be unworthy of the confidence of any constituency in this country, unworthy of occupying a seat in the House or of associating with the members in the business of the House, or of occupying the position of a gentleman, if, after this vote is decided, he should continue to sit in this House, not possessing the confidence of the majority of those whom he professes to represent.

Mr. FREEMAN. I think it would be a very extraordinary thing if it should turn out that all the hon. gentlemen on that side of the House are acting conscientiously in the course they are taking, and not from party motives, and that all the hon. members on this side of the House are being led by the nose by the leader of the Government, as hon. gentlemen opposite say we are. It is very extraordinary how it

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should happen that they who have all one way of thinking in regard to this matter should be actuated by principle, and that they should think it necessary in this debate to urge us to be conscientious and to lay aside our party feeling, as if we were all partisans and they were all independent gentlemen. I wondered, when I listened to them, how this all turns out, and I think they will find it very difficult to answer. There have been few questions before this House since I have sat here, about which there seems to have been so many different opinions among these gentlemen as there is on this one. The hon. gentleman who last addressed the House on that side said that this was not a legal question at all. When he said that I asked myself this question: then why has the time of the House been frittered away in arguing the legal bearing of this question by so many of the highest legal authorities in the House? No one can have listened to the legal arguments which have been offered on this question without coming to the conclusion that the whole matter turns on legal questions. I have to look at the conduct of the returning officer. It has been my duty on several occasions to act in that capacity, and I have looked at the matter in the light of my experience, and I think there is a good deal of excuse to be offered for the presiding officer, if excuse is required, for the manner in which he acted. In the first place, it has been said that when he received the money and gave a receipt, he guaranteed the legality of the proceedings of the candidate. It cannot be expected that the returning officer could be well advised as to the legality of the conduct of a candidate when the candidate is depositing his papers and money. Returning officers are seldom legal men, and, not being versed in the law, they are not prepared to give a decision in a moment on questions of that kind. I can quite understand that when the money was tendered, the officer was not prepared to say to the candidate: this is not a legal proceeding, and I shall not consider you a candidate unless the money is deposited by your agent. But he took shortly afterwards the step of advising the candidate, Mr. King, to appoint an agent. He reminded the candidate of his duty, and if the latter did not think proper to take his advice and comply with the law —

Mr. WELDON. He did.

Mr. FREEMAN—he should be prepared to stand by the consequence. When the presiding officer declared a ballot would be taken, he had to proceed with the election, although he may have been advised of the illegality of the tender; and when he came to return the candidate elected the objection was presented to him in its legal form, and I can quite understand that he, not being versed in the intricacies of the law, would be compelled to exercise his judgment. This he did, and if he erred there is some excuse for him. The courts are the proper place to decide this matter. I am the more confirmed in this view by the fact that on the one side here we have the Minister of Justice and other legal gentlemen perhaps of not so high a standing in the profession, taking one position, and we have legal gentlemen of eminence on the other side of the House taking just the opposite opinion, although they both quote the same books. How, therefore, is a layman to come to a conclusion on this matter if it be a legal question, as I hold it is. A large majority of this House are of opinion, therefore, this matter should go before the courts where the whole legal aspect of the subject will be presented, and there will be a proper legal decision. Hon. gentlemen opposite should allow this matter to be decided in the courts and let the gentleman entitled to the seat come here. Would hon. gentlemen opposite desire that Mr. King should come here if he were not a legally qualified candidate. The law of legal qualification is as necessary to be complied with as any legal requirement. Will these hon. gentlemen tell me that if Mr. King came here not legally qualified, he would have