

compelled to remain in the cold shades of Opposition. I shall not detain the House at any length further in this connection. I have nothing to complain of, as far as the returning officer in my constituency is concerned, or the Clerk of the Crown in Chancery.

Mr. WELDON (St. John.) If we wanted any additional or potential evidence of the necessity of this motion, it has been furnished to us in the narration of the facts given by the hon. member for West Hastings, because it is evident that an arrangement was there made between the parties, and as soon as the hon. member for West Hastings was relieved from all liabilities, some one at once turned round and attacked the hon. member for East Hastings (Mr. Burdett).

Mr. BOWELL. He said nothing of the kind.

Mr. WELDON. It shows that certainly in that case the hon. member for West Hastings had a great advantage in having the returning officer return him at once, and in having his name gazetted on the 5th March. Listening to the arguments advanced by hon. gentlemen opposite, I have come to the conclusion that it is about time we abolished the Standing Committee on Privileges and Elections. Of what use is it? It has nothing to do with elections at all, according to hon. gentlemen opposite, since we are told when a motion is made with regard to privileges and elections this House has nothing to do with it, that it has been relegated to the courts. We are told that though this is a matter which affects the electors and the privileges of this House our time should not be taken up by it. Well if the motion of my hon. friend had been acceded to, all this discussion would have been avoided; we would have had the matter discussed in the committee and it would not have interfered with the business of the House. The hon. member for Pictou (Mr. Tupper) says this is not a question for the House to deal with. The hon. gentleman must know that the conduct of a returning officer as to making his return should not be a question to affect the result of the election. It is his conduct during the course of an election which is the subject of judicial decision, and as to the duties of the Clerk of the Crown in Chancery that is a matter with which the courts have nothing to do.

Mr. TUPPER. The hon. gentleman has misunderstood me. I did not say what the courts had to do with the Clerk of the Crown in Chancery. What I said was that the complaints in reference to the different returning officers could be enquired into in a prosecution under the statute imposing penalties.

Mr. WELDON. I understood him to say that the conduct of a returning officer could be complained of before the judges. In this respect he knows it could not. It may be that his conduct during the election and his conduct in making the return are subjects for the judges to decide, but as for the time in which he makes the return that is not a matter which affects the validity of the election. The conduct of a returning officer, so far as it affects the validity of an election, may be brought before a judicial tribunal, but the mode in which the Clerk of the Crown in Chancery performs his duty is not within the cognisance of a judicial tribunal. The only judicial tribunal to which the party aggrieved can appeal is this Parliament, and when this Parliament delegates it to the Committee on Privileges and Elections it is their duty to investigate this matter. It is not the duty of this House to investigate at the bar of the House questions of this kind, although I do not admit that this question is of the character which hon. gentlemen opposite would assign to it, namely, that it is a matter of no consequence. I contend that the breach of any law, the infraction of any rule of statute is no trivial matter. When I find on the pages of our statutes that the Clerk of the Crown

"shall, on receiving the return of any member elected to the House of Commons, give notice in the next ordinary issue of the *Gazette* of the name of the candidate elected."

and when I find the cases of Prince Edward and Charlotte counties, I cannot shut my eyes to the fact that there has been some infraction of the law which we should enquire into. It seems to me the amendment of the First Minister is one that is not consistent with the dignity or honor of this House, proposing as it does simply that the Clerk of the Crown in Chancery should be called on to write a letter to the Clerk of the House, as to the reasons for his conduct. Let us appeal to our own tribunal, the Committee on Privileges and Elections; let the Clerk of the Crown be heard in his defence at that tribunal, and if he gives satisfactory reasons that committee will absolve him. If, on the contrary, he has been guilty of dereliction of duty, wilful and clear, despite the plain language of the statute, it will be the duty of the House to censure and, if necessary, to punish him. My hon. friend from Pictou has undertaken to say that in England they have done away with reference to the Committee on Privileges and Elections by the repeal of the statute, and that we have followed in that direction. The hon. gentleman says the 101st section of the statute applies to this case. I take issue with him on that point. I maintain that, while parties who have been specially aggrieved may seek redress in the courts and have a penalty inflicted on the returning officer for his conduct, this House alone, where wrong has been done to the electorate and a blow inflicted on the privileges of Parliament, still retains its right to deal with the matter. My hon. friend endeavored ingenuously to argue from the 101st section of the Act that the penalty alone was the only punishment to be inflicted. The section says:

"If any returning officer wilfully delays, neglects or refuses duly to return any person who ought to be returned to serve in the House of Commons for any electoral district, such person may, if it has been determined on the hearing of an election petition respecting the election for such electoral district that such person was entitled to have been returned, sue the returning officer who has so wilfully delayed, neglected or refused duly to make such return of his election, in any court of record in the Province in which such electoral district is situate."

That means simply that after the election petition has been determined on the party aggrieved shall seek in the ordinary tribunals of the country redress for the injuries he has sustained. That is simply his redress. What is the complaint we have here? It is that, according to the return brought down, gross irregularity has been committed and a *prima facie* case has been made out which has been fortified by personal statements from members of this House. Those are matters which are not trivial, but which are of great importance, affecting the rights of the elections, the purity of our elections, and the manner in which the law should be carried out. We should have a searching investigation, not in the one-sided manner suggested by the hon. the First Minister, which only applies to the conduct of the Clerk of the Crown in Chancery, but if returning officers have also wilfully delayed the returns their conduct should also be enquired into even if that should take up some time of the committee.

Mr. TAYLOR. I did not catch all the hon. member for East Hastings said in reply to my statements, but I will just repeat the statement I made from my place, and which is substantially correct. I understood the hon. gentleman to say I had but one voter at Kingston. I say this, that there were two voters residing in Gananoque—one of them working in the carriage works and one in Gillies' establishment. The names I can give if the hon. gentleman wishes. They were written for by friends of the hon. member for East Hastings, and money was furnished them by friends of his, and they went up there on behalf of the hon. member for East Hastings.

Mr. BOWELL. I do not desire to enter into this discussion further than to set the House right with regard to