

Crown in Chancery. He said in the first place that the Clerk of the Crown in Chancery should be dismissed. If he should be dismissed, there is not the slightest necessity of having a committee enquire into his conduct; yet the hon. gentleman moves that the matter should be referred to the committee. Well, we have heard the indictment against the Clerk of the Crown in Chancery. We have not heard his reply, and I think we ought to have his reply before we condemn him or consider him as *quasi*-condemned by the House, by having this referred to the Committee on Privileges and Elections. I therefore move:

That all after the word "That" be struck out, and the following substituted: "That the Clerk of the Crown in Chancery be ordered to address a letter to the Clerk of this House specifying the course adopted by him in gazettement of the election returns of the last general elections, and his reasons for such course."

Mr. BLAKE. It does not seem to me that this is a fitting method of dealing with the question of my hon. friend's motion. In the first place, it proposes entirely to retrench that portion of the motion which deals with the question of the conduct of the returning officers. The hon. gentleman proposes that we shall not address ourselves to an enquiry upon that subject at all; and yet that is a very serious question indeed. My hon. friend stated that in England, where the duty of the returning officer was not at the time specified by statute in the precise manner in which it is in our country, where consequently his duty was reasonable diligence only, Parliament had intervened—not in the mild method which my hon. friend proposes, but in a much more summary method. A recent publication summarises the action of the Imperial Parliament on that subject:—

"The neglect to make a prompt return, and unnecessary delays in scrutinizing votes, have also been summarily punished. Prior to the Acts 10 and 11 William III, c. 7, as to the writs of vacancies, and George III, c. 84, as to writs at a general election, there was no statute regulating the time of the return of the writs by the returning officer. But these Acts are not applicable to elections in Canada, as the Dominion Elections Act fixes a precise time, and requires the returning officer 'immediately after the sixth day after the final addition by himself' (unless a recount is granted) 'to transmit his return to the Clerk of the Crown in Chancery that the candidate having the largest number of votes has been duly elected.' And in the case of a recount, he is, on receipt of a judge's certificate, to make his return, *i.e.*, forthwith. In administering its jurisdiction in this branch of parliamentary election, the House"—

That is, the Imperial House—

"has declared that a month's delay of the return was a neglect, and ordered the returning officer to be sent for as a delinquent."

And that was at a time when there was no specific provision but he was simply to use reasonable diligence.

"So also a week's delay, and in another a fortnight's delay have been held to be 'neglect.' And a delay of eighteen days caused the House to order the sheriff to attend and explain."

Here we have a provision that within six days, unless there is an order for a recount, the returning officer shall act; but the delays have been very great. I do not know how they are explicable in many cases, but in some of them they seem to be quite inexplicable. I find, for instance, that in the east riding of Elgin the returning officer delayed to act for twenty-one days after the election, and the Clerk of the Crown in Chancery for eighteen days after he got the return, making a cumulative delay of forty-six days. In the East Northumberland election, if the Clerk of the Crown in Chancery correctly states the date of the receipt of the writ, it took thirty-six days for the return to reach him from the returning officer, and the Clerk of the Crown in Chancery delayed acting for ten more, making a cumulative delay of forty-six days. In the case of the East York election, thirty-seven days elapsed between the date of the election and the receipt of the return by the Clerk, and the Clerk added to that delay—which one would have thought enough for all lawful and most unlawful purposes—nine days, making a

cumulative delay of forty-six days. My hon. friend who represents East York has been kind enough to place in my hands the certificate which, according to law, the returning officer was bound to give him, which is as follows:—

"I hereby certify that the member elected for the Electoral District of East York, in pursuance of the writ of election received by me, as having received the majority of votes lawfully given, is the hon. Alexander Mackenzie, of the city of Toronto, Esquire.

"As witness my hand this third day of March, A.D. 1887.

"JAMES ROBINSON,

Returning Officer, East York."

But according to the statement of the Clerk of the Crown in Chancery it was not until the 21st of March that he obtained from this returning officer the documents on that return of which he had given my hon. friend a certificate so early as the 3rd of March. Now, that is the case in which the evidence is not confined to the dates as given to us by the Clerk of the Crown, but we have cumulative evidence in the statement I have just made indicating there must have been gross and wilful neglect—at any rate, neglect which demands enquiry. In the case of the south riding of Brant, the return was delayed for thirty-nine days. I do not know whether it took the returning officer a very long time to count my hon. friend's majority.

Mr. PATERSON (Brant). I have the returning officer's certificate dated the 9th March.

Mr. BLAKE. My hon. friend has the returning officer's certificate to himself, dated the 9th March, of his election, but it was not until the 2nd of April that the return reached the Clerk of the Crown in Chancery, according to his statement; and it was not until the 9th that my hon. friend's election was gazetted. These officers, appointed by the Administration, are charged with the statutory duty of making these returns within six weeks. Of course, they are entitled to delay in the case of a recount; of course, if there is any irregularity which obliges them to obtain further evidence, they are entitled to delay, and they obtained it; and there may be some delay in the mailing or delivery in the course of a post. But we find in these cases delays altogether inexplicable, because all such suppositions are excluded entirely by the statements from my hon. friend from East York (Mr. Mackenzie), and by my hon. friend from South Brant (Mr. Paterson), which he has just made in his place, that there was no question of recount or of any difficulty in getting the vote. I find that on the 3rd of March, in the one case, and on the 9th of March in the other case, the returning officer had completed his duty. My hon. friend has handed me this return:—

"I hereby certify that the member elected for the electoral district of the south riding of the county of Brant, in pursuance of the writ of election, dated the 17th day of January, A.D. 1887, and to me directed to return a member to serve in the House of Commons of Canada for the said electoral district, as having received the majority of votes lawfully given is William Paterson, of the city of Brantford, in the county of Brant, manufacturer.

"H. McK. WILSON,

Returning Officer.

"Dated at Brantford this 9th day of March, A.D. 1887."

So you find these two cases, and I dare say we may find some others also. It is, however, right to say that two hon. members I think, certainly one, mentioned the other day—and there may be further statements before the debate is over—that the information they had received from the returning officer was that the despatch of the return varied from the account given of it by the Clerk of the Crown in Chancery, and that the return must have been received by him, in the course of the mail, at a considerably earlier period than he accounted for. There is thus the probability, in some cases, the possibility in some others, of the fault of the returning officer not being as great as the Clerk of the Crown in Chancery would make it out to be, because we find