

had no right to make the return he had made. He maintained that it was above all things the duty of laymen, of legal gentlemen, of other professional men, of merchants and others in the House, to see that substantial justice was done, where there was a clear case for that justice being executed.

The question was "is there any doubt as to the facts of the case". No one denied the facts. He noticed very carefully the speech of the leader of the Government and also the speech of the hon. member for Cardwell (Hon. Mr. Cameron) then whom no person was better able to place his views before the House on a legal or other question, and he saw how very careful gentlemen opposite were, while condemning the resolution, against committing themselves as to the facts of the case. The facts were incontrovertible and the House would perpetrate an injustice if they allowed the gentlemen having the smaller number of votes to take his seat; but gentlemen opposite were anxious to place him in that position, and thereby perpetrate a great wrong to himself and a great wrong upon his neighbours, and they were endeavouring to persuade the House, against all law and all decency, to accept a proposition which was simply one to delay the execution of justice in this matter. (*Hear, hear.*)

Considerable stress had been laid upon the argument that English precedents did not fully bear out the course taken by his hon. friend, but no one denied that the entire course of Canadian precedent was in the direction now pursued. He (Hon. Mr. Mackenzie) was surprised at the anxiety manifested invariably by the hon. gentleman opposite, when it suited his purpose to plead English practice, and his admiration of that practice. They (the Opposition) pleaded English practice several times last year in vain, when they tried to introduce the English law respecting the trial of controverted elections, a law which would effectually prevent any such case as this being brought before the House.

Now, he was desirous, in his simple way as a layman, of presenting an amendment to the House, of endeavouring to lay before the House properly the facts, so that they might have a vote to follow the precedents that had always been followed in this country.

He begged to move, seconded by the Hon. Mr. Dorion (Napierville), an amendment to the amendment: "That this House deems it proper in the matter of the return for Peterborough West to act upon the precedents of the Parliament of the Province of Canada in the Oxford case, the Kent case, in the Beauharnois, in the Bagot case, in the Lennox and Addington case, and in conformity with those precedents to assert its jurisdiction and maintain its privileges and forthwith redress the grievances and flagrant violation of law and duty, apparent on the papers, which has been committed by the return of the defeated as the successful candidate to this House and declares that J. Bertram should have been returned as member for Peterborough West and has a right to take his seat, saving the right of all other persons to contest the election and returns."

Mr. PALMER thought he was not competent to judge upon the question, and hoped to hear the parties concerned. He knew exactly

the weight which English Judges laid upon the decisions of Election Committees, in which he had personally no faith. He saw in the conduct of the members on both sides of the House that party was the ground upon which they would be likely to decide this question. He came to this House to give his support to the right, no matter from which side the measure emanated. He was prepared to give an independent support to the Opposition as well as to the Government when the occasion demanded.

The man who got the most votes ought to sit in the House, but he was not prepared to say who had the majority of votes, and the parties (the electors and candidates) ought to be heard in the matter. It might be speedy justice to act as had been suggested by the motion of the honourable leader of the Opposition, but he did not think it was according to law. He did not think that the gentlemen who had expressed an opinion upon this subject were the proper parties to judge in the case, for people had very strong objections to have the case adjudicated upon by even a judge, if he had in any way given indication of having formed an opinion on the subject before hearing all the evidence. The precedents which had been quoted were of a nature and arrived at a principle that he was not willing to follow. The question was one of importance, and he did not think it should be decided upon without mature deliberation. He objected to the use of the term "speedy justice," and thought rather that hon. members should take a serious view of the case, and instead of talking about speedy justice, they ought to speak of well considered justice. The present state of his mind would not allow him to vote for the motion of the hon. member for Durham West (Hon. Mr. Blake) but as to the other motions on the subject before the House he was not prepared to give any opinion of them, as he had not time to make up his mind on the subject.

Hon. Sir FRANCIS HINCKS said that reference had been made to a precedent in which he was interested, and remarks had been made which led him to think that a wrong impression existed as to the facts of that case. These remarks had rendered it absolutely necessary for him to rise and set himself correct before the House. It had been stated by the former speaker that he had endeavoured improperly to seat himself in Parliament on that occasion as representative of the county. There was not a member of that House who would for a moment insinuate that Mr. Bertram, who he understood to be standing outside the Bar of the House, waiting for admission, was at all responsible for the proceedings that were being taken in this House.

He (Hon. Sir Francis Hincks) in the same way was not in any degree responsible for the proceedings in 1848. At the time he was returned for the county of Oxford in 1848, he was in confidential correspondence with a very distinguished member of the Imperial Parliament, the late Mr. Charles Butter. The conduct of the returning officer, he admitted, caused him a great deal of irritation because he considered himself extremely ill used. He had inquired of Mr. Butter what his opinion was of the case. That gentleman replied that although he conceived that he (Hon. Sir Francis Hincks) was badly treated and should certainly have been declared duly returned, yet it was a fact that his case should have been referred to