

there can be no doubt, admit of no explanation but one—that the Clerk of the Crown in Chancery deliberately withheld the names of hon. members on this side from being gazetted immediately after they were returned. The House must bear in mind that ministerial pressure is no excuse for the flagrant disregard of public duty by a public officer. The rule of municipal and constitutional law in this particular is wholly different from what prevails with respect to political offences against a foreign State. A citizen of one country, if he commits a crime against another Government or subjects of another country, and if his act is assumed by his own State, it ceases to become his offence, but becomes the offence of the Government of the country to which he belongs. There is no such rule applicable to the conduct of public officers. The law imposes upon them certain duties. They owe obedience, not to the Ministers or to the parties who appointed them, but to the law of the land; and while they may have accomplices in their crime and wrongdoing, the fact they have accomplices is no defence whatever for the commission of the offence on their part. The Clerk of the Crown in Chancery is just as responsible, his conduct is not less offensive and not less contrary to law, because the Secretary of State may have advised him, than if he had acted wholly on his own motion. Now, let me call the attention of the House to this gazetting of members. I take the first general week, leaving out those members who were returned by acclamation, and I find that in the week, up to Saturday, there were returned on the 5th one Tory and two Reformers; one Tory and one Reformer were gazetted in the *Gazette* of next week. On Monday the 7th, sixteen members were returned—eleven Tories and five Reformers. In the *Gazette* of the Saturday following all the Tories were gazetted and but one of the five Reformers. On Tuesday there were fifteen Tories and eleven Reformers returned. In the *Gazette* of the Saturday following the whole of the fifteen Tories were gazetted and but two of the five Reformers. On Wednesday there were sixteen Tories and four Reformers returned, and on the Saturday following fourteen Tories and one Reformer were gazetted. On Monday there were six Tories and five Reformers returned, and in the *Gazette* of the Saturday following six Tories and not one Reformer were gazetted. On Friday, the day preceding the issue of the *Gazette*, eight Tories and ten Reformers were returned, and there were five Tories, and no Reformer, gazetted. For the week there were fifty-seven Tories and thirty-seven Reformers returned, and of the fifty-seven Tories fifty-two were gazetted, while of the thirty-seven Reformers but five were gazetted. So much for that week. Taking the week following, I find that on the Saturday there were nine Tories and sixteen Reformers returned, and there were nine Tories and three Reformers gazetted the next Saturday. There was a whole week, and there was the same deliberate omission of the names of the Reformers whose names had been received from the *Gazette* of the following week. On Monday sixteen Tories and seven Reformers were returned, and sixteen Tories were gazetted on the Saturday following. On Tuesday there were two Tories and two Reformers returned, and two Tories and one Reformer were gazetted. On Wednesday two Tories and one Reformer were returned, and two Tories and no Reformers gazetted the Saturday following. On Thursday and Friday one Tory was returned on each day, and both were gazetted. For that week thirty-two Tories and twenty-nine Reformers were returned, and thirty-two Tories and but ten of the twenty-nine Reformers were gazetted. Then, for the next week—I need not go over each day—five Tories were returned and seven Reformers, while the five Tories were gazetted and not one Reformer. The names of those Reformers were not only omitted from that *Gazette*, but the majority of them were omitted from the *Gazette* of the next week; and it was not until the third and

Mr. MILLS,

sometimes the fourth week that they were gazetted. Now, there is no excuse for such conduct, and there is a certain, easy, obvious explanation. No one can have the slightest doubt as to the motives by which the Clerk of the Crown in Chancery was actuated, and no one can have any doubt as to the motives which actuated those who advised and impelled him on in this course in opposition to the law and in violation of his oath of office. Now, Sir, I need not go further into detail, by way of justifying the motion I have made. I would now ask the attention of the House to the misconduct of certain returning officers. I find, for instance, that if the return brought down to this House by the Clerk of the Crown in Chancery is correct, the return of the hon. member for East Huron (Mr. Macdonald) was delayed thirty-two days by the returning officer. I find that the return of the hon. member for East Northumberland (Mr. Mallory) was delayed thirty-six days, the return of the hon. member for East Peterboro' (Mr. Lang) was delayed for thirty-three days. The return of the hon. member for North Wellington (Mr. McMullen) was delayed for twenty-one days, and the return of the hon. member for East York (Mr. Mackenzie) was delayed thirty-seven days. Now, in these cases there is clearly a gross violation of duty on the part of the returning officers. I understood from the hon. member for Prince Edward (Mr. Platt) and the hon. member for East Huron (Mr. Macdonald) that the returning officers respectively assure them that the Clerk of the Crown in Chancery has brought down a false return, as far as they are concerned, and therefore, in these cases, it is all the more necessary that an investigation should be had into the conduct of the returning officers in these cases, and the conduct of the Clerk of the Crown in Chancery. The law makes the duty of these officers perfectly clear, and it provides that where they have grossly neglected their duty they shall be liable to punishment. And, Sir, if the facts which I have brought under the attention of the House are at all sustained, then I think it is clearly the duty of the Administration to dismiss the Clerk of the Crown in Chancery from the office which he now holds. By his conduct in this matter, by his withholding from the *Gazette* the names of certain members who were elected, contrary to the direction of the law; by his setting at defiance the law, and his disregard of his oath of office and the obligations which the holding of that office has imposed on him, shows himself wholly unworthy of the office which he holds—wholly unworthy of public confidence. There is, perhaps, no officer connected with an election about whose conduct there is less room for excuse. Sir, his duties are light, although they are important. There is nothing in the world to hinder him from being ready to gazette the members who are regularly returned. If there is anything irregular or wrong in the return, then he will, upon enquiry, be able to show that; and I say it is impossible that such a statement can be true, as that there were mistakes and errors made by the returning officers who were employed in constituencies which returned members to this side, but that there were no mistakes made by returning officers who returned members to the other side of the House. I find, Sir, that in upwards of seventy cases there have been delays, contrary to the law, in the gazetting of members who were elected on the Opposition side.

Sir JOHN A. MACDONALD. This whole subject, was, I think, discussed fully on the previous motion of the hon. gentleman to have the Clerk of the Crown in Chancery brought to the Table to make the returns, so that it is scarcely worth while to go into the matter again. The hon. gentleman has only elaborated his former argument. In his motion, however, he refers to the returning officers as well as the Clerk of the Crown in Chancery. It is quite clear, from the speech of the hon. gentleman, that most of his argument applies to the conduct of the Clerk of the