

ballot has been demanded, and a poll granted, and the electors have cast their votes, the question as to whether the candidate who has the majority of votes has the right to the seat is not one for the returning officer to determine, but is left to the tribunal specially authorised to deal with it. The act of the returning officer in this case was an invasion of the rights of the people. To show the opinion of Parliament, I may refer to what passed in 1873, when this Parliament legislated on that subject. That legislation dealt with the only instance in which the returning officer has special authority given him to ignore the candidate who has the majority of votes, viz.: that where a man is a member of either branch of the Local Legislature, at the time he is nominated for the Commons and runs his election, and is disqualified by the law of the Province in which his election takes place, from sitting, on that account, in the Dominion Parliament, the returning officer shall ignore the vote given to him and return the other candidate. That is a special law, and the fact that it is a special law shows to my mind clearly that the views of Parliament were that, without that special power being given the returning officer in that special case, although the candidate was disqualified to be elected and nominated by virtue of an Act of the Local Legislature—without this express provision of our Parliament the returning officer would be bound to return him. I presume upon that principle the Prince Edward Island case may be defended, because the ground taken there was that Mr. Robertson had not ceased to be member of the Local Parliament of the Island and, therefore, was disqualified to be elected for this House. So far as that case is concerned, and it has been cited as an authority, it was founded upon that very Act. I am not going to discuss the question of deposit; all I will say is that even if the nomination had been improperly made, it having been acted upon by the returning officer, his judicial powers with regard to it had ceased, and the only tribunal to deal with the matter was the tribunal created by this Parliament. When Mr. King, who was so nominated, had the majority of votes, he should have been returned. Therefore, I consider this act of the returning officer, viewing it in the position in which it stands, viewing the facts we have before us, as one of the greatest encroachments upon the liberties and rights of the people. It is an encroachment, which, if allowed to go forward as a precedent, will imperil the election of every man who offers himself as a candidate, and, instead of being returned by the voice of the people, it will only be by the whim, or caprice, or the villany—if I may use an expression perhaps too strong—of the returning officer, because the returning officer, blindly shutting his eyes to the law, will seek to exercise jurisdiction where he has no right, and return the candidate with whom he is in sympathy, political or otherwise, or in whose favor he has been influenced through corrupt motives, and who is by no means the choice of the people. I beg, therefore, to move:

That the second report of the Select Committee on Privileges and Elections not be concurred in, but that it be resolved: That, in view of the provisions of the Dominion Elections Act, Revised Statutes of Canada, chap. 8, and the duties of a returning officer as therein defined, and also in view of the facts elicited on the examination of Mr. John R. Dunn, the Returning Officer of the Electoral District of the County of Queen's, N. B., at the last election for the said district, and it appearing that nominations were received, a poll granted and held, and that at the summing up of the votes Geo. G. King had 1191 votes and Geo. F. Baird 1130 votes, it was the duty of the said John R. Dunn, at the said election, to have declared and returned Geo. G. King as the member elected for the said electoral district.

Sir JOHN A. MACDONALD. This is a very grave matter, and it would have been well, although not obligatory on the part of the hon. gentleman, to have given notice.

Mr. SPEAKER. I think the duty of the Speaker is to notify the member whose seat is in jeopardy—

Mr. WELDON (St. John).

Mr. MACKENZIE. But Mr. King is not here.

Mr. SPEAKER. The hon. member for Queen's, N. B., may offer any explanations he has to offer on this motion now; and if he has none, he will please withdraw from the House.

Mr. BAIRD. I would take this opportunity of explaining to the House—

Sir JOHN A. MACDONALD. I rise for the purpose of suggesting this. This is a very grave question which has been sprung upon the House without notice, and one has not had the opportunity of considering the phraseology even of the resolution now in your hands, and I should therefore desire that it should stand as a notice and be brought up to-morrow.

Mr. WELDON (St. John). I have no objection to that.

Sir JOHN A. MACDONALD. I move the adjournment of the debate, and that it should stand on the paper.

Mr. WELDON (St. John). As the first Order to-morrow.

Sir JOHN A. MACDONALD. It is a matter of privilege and can be brought up at any moment.

Motion agreed to, and debate adjourned, to stand as the first Order of the Day for to-morrow.

BANFF NATIONAL PARK BILL.

Mr. WHITE (Cardwell) moved that the House concur in the amendments made by the Senate to Bill (No. 16) respecting the Banff National Park. He said: The amendments are not of very great importance. The first amendment is a change in the name of the park. Under the Bill introduced here, it was called the Banff National Park. The Senate propose to call it the Rocky Mountains Park of Canada. The second amendment has relation to the power of making regulations for the preservation or protection of game and fish, and the amendment is to add after "fish," "and wild birds generally and." The third amendment has relation to the imprisonment proposed to be imposed for an infringement of the regulations. The Bill as it left this House, provided for imprisonment of three months. The amendment is that it shall not be more than three months. The fourth amendment has relation to the promulgation of the regulations. According to the Bill, every regulation was to be published for four consecutive weeks in the *Canada Gazette*, and the Senate has added: "and in any other manner provided by the Governor in Council." Then there are two new clauses inserted. The first is as follows:—

"Nothing in this Act contained shall affect the obligations of the Government, if any, arising out of the acquisition of the North-West Territories."

This has reference to a question which has been raised whether the Hudson Bay Company have any right in that section at all or not. It being an open question, their rights, if they have any, are simply preserved by this section. The other clause is this:

"This Act may be cited as the Rocky Mountains Park Act of 1887."

The title when the Bill left this House was: "An Act respecting the Banff National Park." It is now a Bill: "respecting the Rocky Mountains Park of Canada."

Motion agreed to, and amendments concurred in.

SENATORIAL REPRESENTATION FOR THE N. W. T.

Sir JOHN A. MACDONALD moved that the House concur in the amendments made by the Senate to Bill (No. 17) respecting the representation of the North-West Terri-