

inconceivable injury which he has tried to do to the interests of this country and to the privileges of this House. And here is where it becomes necessary for us to remember that this is not purely a question of precedent, or a question of legal technicality; it is a vital question concerning the very existence of this House. If one returning officer can send a man to masquerade here, two, three, four, five or ten can do the same, and returning officers can send defeated candidates here, or men who were not candidates at all, in such numbers as to change the majority in this House. What remedy have you in such an event? The majority will control the action and will not allow the seats of its own members to be taken away, and thus for one Session at least one party or the other will obtain a majority by means of men not elected by the people, not even *primâ facie* elected, men who have not even that *primâ facie* claim which a corruptly elected member has until he has been shown to have been corruptly elected. If we do not put a stop to returning officers presuming to elect members to this House, where is representative and constitutional government? The hon. member for Albert (Mr. Weldon) says that in protesting against the interference of the House he is seeking to protect the minority, and that the majority might interfere at any time in such a way as to turn out one member and bring in another. The statement is absurd. There is no danger that the majority can ever injure the minority by giving effect to the will of the people as expressed at the polls, and that is all we ask. All we demand is that the returning officer should perform the mechanical duty provided by the statute, for he is as much a machine as is the ballot box, and that he should allow the will of the people to be expressed. If the majority of the House did interfere to see the recognised will of the people carried out by the returning officer, there was no danger to either the majority or the minority, and the plea that the position of hon. gentlemen opposite is taken on behalf of the minority is absurd. It becomes more than absurd, it becomes untrue. The plea is really, one on behalf of the majority that control this House, and its effect may be to prevent a member of the minority from claiming the rights conferred on him by statute law and by the votes of his constituents. Hon. gentlemen opposite seek to do away with the rights of the minority. There are many, however, I believe, who sympathise fully with the hon. member for North Essex (Mr. Patterson) in his opinion that the rights of the minority are in danger, that this case is a clear one, and that it should be decided as a point of honor. Let those hon. gentlemen on the other side of the House show their opinions by considering the question as if they were jurymen, and as if this was a point of honor, and not a party question. In this connection I would call attention to a remark made by the hon. gentleman returned for Queen's, N. B., in his speech, which, in other respects I will not criticise, though there is every temptation for criticism, coming as it does from a gentleman occupying the very extraordinary and peculiar position in which he stood. He challenged the vote of this House, free from party feeling, and he said he would be content to abide by that vote without reference to party lines. Will the Government accept the challenge of the man seated by their own supporter? Will they allow this vote to be one free from party bias, and will they declare it to be a matter in the public interest, and as freely open to members to vote as they please, as a Private Bill? I do not believe they will dare to allow free voting on this question. They have attempted to cover up the clear point at issue with a quantity of mysterious precedents that do not bear on this case, because this is not a controverted election. The Minister of Justice thought he had found a parallel in the case of Victoria, N.S., election, and I was astonished to hear him quote that case as a parallel, because the hon. gentleman knew very well that it was not a case

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where the returning officer had failed to carry out the wishes of the people. It was a case strictly proper for courts of law; it was a case where there was no statement in one of the ballot boxes, and the returning officer refused to take any notice of the votes at that poll because there was no statement for him to count up. It was purely a legal question as to whether the returning officer had a right to accept a statement subsequently offered him by the deputy returning officer instead of the one that should have been in the box. The returning officer decided to leave that poll out of the count, and he strictly carried out the letter of the law. He might have acted rightly if he had done otherwise; at all events, it was a question for the courts to determine, and not for this House to determine. That the Minister should have risked his reputation as a lawyer, by comparing that case with the present one, where there is no doubt as to the facts and as to the law, where it is admitted even by the hon. member for Albert (Mr. Weldon) the professor of constitutional law at Dalhousie college, that on the face of the documents it is clear that Mr. King should have been returned. It is astonishing that a gentleman of the reputation of the Minister of Justice should risk that reputation by asking this House to abstain from interference to save its own dignity and reputation. The hon. gentleman has been for only two years a member of this House, but a gentleman who was taken from the bench to occupy a place in the Government should be specially jealous of the rights of this House, and should not have taken the position he has assumed on this question. The hon. gentleman has shown himself, on other occasions, fully capable of offering a clear and unbiassed view of constitutional questions, and of questions of parliamentary procedure. He has given us instances of most admirable clearness of mind, of fairness of judgment, and of a judicial manner, in stating his conclusions. To-night we feel with sorrow, and with something more than sorrow, that this hon. gentleman to whom above all others is committed the task of looking after the privileges and rights of this House, has given with the same judicial manner, with the same apparent fairness, and with the same clearness of diction, statements that were nothing but a tissue of special pleadings, nothing but an attempt to cast a haze over the question which was clear until he succeeded in obscuring it for his followers. It was a speech to show hon. gentlemen opposite how they could excuse themselves if they failed to perform their duties in this matter. I regret that the Minister of Justice has given the House this exhibition, and I believe that he will regret it himself before he has been long in public life. The hon. gentleman amongst other statements said that Mr. King asked to have this seat conferred on him by the vote of this House. That was an extraordinary statement. The seat has been conferred on Mr. King already by the votes of the electors. That is admitted by the Minister of Justice, and by every one; but, because the returning officer chooses to tell a lie about the matter, the Minister of Justice appears willing to take advantage of the lie and retain the seat for that gentleman for this Session and probably forever.

Some hon. MEMBERS. Oh.

Mr. CASEY. As an Irishman I have a right to speak twice. I mean probably for the duration of this Parliament, and for the benefit of his party. It is not a question of conferring the seat on Mr. King. It is a question whether the theft of his seat which has been attempted to be perpetrated, whether the attempt to steal his seat that has been made by the returning officer and backed up by the Government of the day, shall be successful. If the House are willing that the seat should be stolen from Mr. King, then they will vote for the amendment of the Minister of Justice, that the opinion of the committee should be followed. If they are not willing that Mr. King's seat should be stolen