

you, Mr. Speaker, it would be irregular for the counsel to open his mouth. The objection must come after, I think.

Mr. MILLS (Bothwell). That is not the point. No one supposes that the counsel should state his objections until the question is put, but the counsel did not submit his objection until the motion was declared carried. The counsel had the question in his hands when the Speaker declared it carried.

Mr. DALY. Are we to understand from the remarks of the hon. member for Bothwell, that as soon as you put the question, the counsel is to get up and say, "no, it is not carried."

Mr. MITCHELL. I do not wish to press the objection.

Mr. FERGUSON (Counsel). I object to this question on the ground that the returning officer is called to the Bar of the House to answer for his conduct in returning the candidate, and that this question, inasmuch as it goes into matters which occurred long anterior to his appointment as returning officer, is not within the scope of this enquiry.

Mr. MITCHELL. The objection is taken, and the Chair has ordered the answer to be given.

An hon. MEMBER. Sit down.

Mr. MITCHELL. I will sit down when I get through with what I have to say to the Chair. Therefore, I think the question should be answered.

Mr. SPEAKER. I certainly declared the question carried; but the hon. gentleman has himself stated that he does not press his objection. The case is just the same as when I declare a motion carried, some hon. member rises to speak to it, and by general consent the word "carried" is withdrawn. The question is whether the objection raised on the part of Mr. Dunn ought to be sustained by the House or not.

Mr. MITCHELL. I quite understand that. I withdraw my objection to the counsel taking his objection, but I do not withdraw my objection to the person at the Bar objecting to answer it. That is the thing.

Mr. THOMPSON. As regards the objection raised, I submit to the House that the cardinal rule in dealing with all these questions is what I suggested a few moments ago—not what we consider is material to the enquiry, but what may be material. It may be that I am stating a very wide and liberal principle in relation to the examination of witnesses; but I think it is safer, in consideration both of the dignity of the House and the rights of the person at the Bar, to be exceedingly liberal as to the questions to be put rather than to adhere to a too strict and technical rule. I think we are enquiring, not merely what took place on this occasion, but as to the good faith with which the person at the Bar acted; and in that view I submit that it may be material whether he set out with any design, or whether he performed in good faith the duties imposed upon him.

Motion agreed to.

Mr. DUNN. I applied for the position of returning officer. I asked a certain prominent political man of our county to use his influence to get me the position. I applied to Hugh McLean first, and afterwards I applied by letter to Mr. Baird for the position.

Mr. MITCHELL. A good man to apply to.

Mr. WELDON (St. John). The latter portion of that question has not been replied to: "Were you aware or informed of the fact that anyone had applied on your behalf for the position?"

Motion agreed to.

Mr. DUNN. I was informed that Mr. Baird had applied for me.

Mr. McCARTHY.

Mr. WELDON. I move that the following question be put: "For what reason, when you made your return, did you not return the ballot papers and proceedings to the Clerk of the Crown in Chancery? Did you consult anybody as to your doing so, and who were your legal advisers?"

Motion agreed to.

Mr. DUNN. I did not return the ballot papers to the Clerk of the Crown in Chancery at the time I made my return, because I had been served with a certificate from the judge of the county court for a recount. I did consult a legal gentleman as to my act; the legal gentleman whom I consulted was Ezekiel McLeod, Q. C., of St. John.

Mr. WELDON (St. John). I move that the following question be now put: "Had you not refused to act upon the judge's order for the recount? Was not that order served on you before you made any return?"

Motion agreed to.

Mr. DUNN. I had refused to act upon the judge's order for a recount. That order was served on me before I made my returns. Am I allowed to give any reasons for my action, upon any of these questions being put to me? I have to answer, yes or no. Am I allowed to give my reasons for so acting.

Mr. THOMPSON. The witness ought to be instructed, as witnesses usually are in courts of justice, that he may add anything to explain or qualify his answer, and is not restricted to merely answering yes or no. But he must not go into matters outside the question.

Mr. SPEAKER. You are allowed to give explanations of the answers you have made, but not to go outside the question put to you.

Mr. McCARTHY. I move that the following question be put:—"Why did you refuse to act on the order of the judge for the recount?"

Motion agreed to.

Mr. DUNN. I refused to act upon the order of the judge for a recount, because a rule *nisi* for a writ of prohibition was served upon me by order of Judge Tuck.

Mr. WELDON (St. John). I move that the following question be put:—"Were you a party named in such rule *nisi*? Was it not on a verbal statement of Mr. Currey as to what Judge Tuck said that you acted?"

Mr. THOMPSON. The latter part of the question tends to enquire whether Mr. Dunn was served with a rule *nisi* or not, or whether he refused merely on the verbal statement that a rule *nisi* had been issued. Still you proceed to interrogate him as to what the rule *nisi* contains. We should first ascertain whether he ever saw the rule *nisi*.

Mr. WELDON (St. John). When the judge orders a recount, Mr. Dunn shields himself under the rule *nisi*, and when he is ordered to produce the ballot boxes he shields himself under the order of Judge Tuck. He was no party to or called on to obey that order.

Sir JOHN A. MACDONALD. That is a question of law.

Mr. WELDON (St. John). That may be. I put the question whether he did not state, in consequence of what Mr. Currey told him, that he was the party named in the rule *nisi*. If my hon. friend takes the very sharp practice that the rule *nisi* is not here, the witness was wrong in referring to it. He based his answer on the fact that we were served with a rule *nisi*.

Mr. THOMPSON. I do not want to take any sharp practice. The hon. member is mistaken in saying Mr. Dunn was served with a rule *nisi*. If he was, the latter part of the question is wrong, because it asks him if he was not acting entirely on a verbal statement. All I suggested was