

Carling,
Carpenter,
Caron (Sir Adolphe),
Casey,
Casgrain,
Chapleau,
Charlton,
Chisholm,
Cockburn,
Colby,
Coughlin,
Coulombe,
Coursol,
Couture,
Daly,
Daoust,
Davies,
Davin,
Davis,
Dawson,
Denison,
De St. Georges,
Desaulniers,
Doyon,
Duchesnay,
Dupont,
Edgar,
Ellis,
Ferguson (Welland),
Fiset,
Fisher,
Flynn,

Jameson,
Joncas,
Kenny,
Kirk,
Kirkpatrick,
Landerkin,
Landry,
Langelier (Montmor'ey),
Langevin (Sir Hector),
Laurier,
Macdonald (Sir John),
Macdonald (Huron),
MacDowall,
Mackenzie,
McCarthy,
McOulla,
McDonald (Victoria),
McDougald (Pictou),
McDougall (C. Breton),
McKay,
McLellan,
McMillan (Huron),
McMullen,
McNeill,
Madill,
Mallory,
Mara,
Mills (Annapolis),
Mitchell,
Moncreiff,
O'Brien,

Sriver,
Semple,
Shakespeare,
Skinner,
Small,
Smith (Ontario),
Somerville,
Sproule,
Taylor,
Temple,
Thérien,
Thompson,
Tisdale,
Tupper (Sir Charles),
Tupper (Pictou),
Turcot,
Tyrwhitt,
Vanasse,
Waldie,
Wallace,
Ward,
Watson,
Weldon (Albert),
Weldon (St. John),
White (Cardwell),
Wilmot,
Wilson (Lennox),
Wood (Brockville),
Wood (Westmoreland),
Wright,
Yeo.—154.

NAYS:

Messieurs

Edwards, and

Trow.—2.

Motion agreed to.

Sir JOHN A. MACDONALD. According to parliamentary practice, the members who asked for a division should vote nay, in this instance, the five gentlemen who called for division have voted yeas.

Mr. LAURIER. It has not been the practice of the House for those who simply asked for the yeas and nays to vote nay.

Mr. CASEY. If the practice of the House had been that those who asked for yeas and nays should vote nay, the hon. gentleman should, in pursuance of that practice, have voted nay in the previous vote.

Sir JOHN A. MACDONALD. So I did.

Mr. PATERSON (Brant). If my memory serves me right, when the yeas and nays were demanded on one occasion, the right hon. the First Minister took the same objection that he did to-day. I think it was a vote he was not anxious to give, and his objection was overruled by the then Speaker; and, on its being overruled, the hon. gentleman was suddenly called outside when the time came to vote.

Mr. CASEY. The hon. member for Halifax has not voted.

Mr. JONES. I paired with the hon. member for Cape Breton?

Mr. FISHER. The hon. member for North Victoria has not voted.

Mr. SPEAKER. Has the hon. gentleman for Montmagny voted.

Mr. CHOQUETTE. I paired with the hon. member for Quebec West. If I had voted I would have voted against the amendment.

Mr. HESSON. The hon. member for Bothwell, has not voted.

Mr. DAVIES. The hon. member for Bothwell was not here when the division was taken.

Mr. SPEAKER. The hon. member for Bothwell not being in the House, I cannot enquire why he did not vote.

Mr. LANDRY.

Mr. SPEAKER. Counsel may be admitted.

Mr. DUNN. Could I have until to-morrow to confer with my counsel?

Mr. SPEAKER. That must be left to the decision of the House.

Mr. MACKENZIE. Simple questions may be put and answered at once; more difficult questions may be reserved.

Sir JOHN A. MACDONALD. I quite agree with the hon. gentleman, the questions shall be put, and if there is any question on which Mr. Dunn wishes to consult with his counsel, the House will give every consideration to it.

Mr. DAVIES. I am glad both sides of the House concur in that, as that is the principle upon which we voted on the hon. gentleman's motion.

Sir JOHN A. MACDONALD. I am glad my hon. friend has found a principle at last.

Mr. SPEAKER. The question you have to answer is the following: "Were you the returning officer for the electoral division of Queen's, N.B., at the late election, and who was your election clerk?"

Mr. DUNN. I wish to wait until my counsel arrives before answering any question. I am under the advice of counsel, and, therefore, have to act under his guidance.

Mr. MACKENZIE. You must, Mr. Speaker, enforce the Order of the House.

Mr. SPEAKER. You have to answer this question.

Mr. CASGRAIN. I think that the witness at the Bar ought to answer at once. I recollect an extreme case before the Bar of the Quebec House, when the witness, in reply to a question as to what was his name, asked for twenty-four hours to consider his answer.

Mr. LYONS (*Counsel for Mr. Dunn*). Before the witness is called upon to answer any question at the Bar of this House, we, as counsel, wish to be heard as to whether this House has any jurisdiction or authority to call upon Mr. Dunn to come from Queen's county to Ottawa, under a writ or Order of this House, to answer for the offence stated in it, as having returned to this House a candidate from the election in Queen's county having the minority of votes; and we, as his counsel, submit that, while the authority of this House is recognised as far as it extends as a court, Mr. Dunn should no more answer to the question put to him than if the House had summoned him here and attempted to try him for violation of any statute law of the country. While the House of Commons of Canada, under the constitution, possesses many of the powers of a court, we submit and press strongly the objection that it is only a court for the purpose of hearing or dealing with matters of contempt or breach of the privileges of the House of Commons; and, speaking in the hearing of many eminent lawyers in the House, and of gentlemen who are versed in the privileges of Parliament, I venture to assert that the principle, and only principle, under which the House of Commons of England has ever declared any matter to be a breach of privilege of the House of Commons, was the necessity of the case, simply that there was no adequate remedy at law for the redress of the matter of which they complained of as a breach of privilege. The law of the land provides, as we submit it does in this case, for dealing with the offence, if any, with which Mr. Dunn is charged; and if the privilege of Parliament has been, as it were, merged into the law of the land and become part of the statute law of the country, then Parliament will leave this question, as Parliament has always left those questions, to be decided by the courts. If you permit me to give you an illustration of the objection that I urge here, it is simply this: If you, Sir, had been assaulted by anyone within the precincts of this building, there is no doubt that the party could be pun-