

declared elected, and that he should take his seat in the House forthwith; this motion was carried, and Mr. Cameron was immediately sworn in, and took his seat without any preliminary investigation. There was no opposition to the motion, and no division on the question, but the resolution was adopted unanimously.

Then there was the case of Mr. Jacob De Witt returned for Beauharnois in 1848, in which two poll books had been destroyed by a mob. In that case the returning officer reported by affidavit that under the circumstances he declined to declare who should be returned, and the Clerk of the Crown in Chancery had been instructed to clear the matter up, and to bring to punishment the offenders.

Again, in the case of the South Oxford election, which had already been referred to, the motion to allow the candidate having the majority of votes to take his seat was carried by 40 against 12 and among those to be found on the list voting yea were such great men as Messrs. Chauveau, Cauchon, Chief Justice Richards, and others whose legal opinion was of great weight. If, in this case, the returning officer had acted improperly—and the fact was not denied by the hon. gentleman opposite—justice should be done to the party aggrieved and the wrong of the returning officer righted. He could not conceive that any attempt would be made to resist the motion of the hon. member of Durham West (Hon. Mr. Blake). (*Cheers.*)

Hon. Mr. O'CONNOR defied the hon. gentlemen opposite to say that the present case did not come within the power of the jurisdiction of the committee on privileges and elections. They would have trouble to contradict the member for Cardwell (Hon. Mr. Cameron) it was admitted in the English law that since the Grenville Act all jurisdiction of this kind is taken from the body of the House. Gentlemen opposite had cited some of the cases which occurred in Old Canada and some of the cases in England, but they failed to show their adaptation to the present case.

Mr. JETTÉ (in French) supported and echoed the argument of the hon. member of Durham West (Hon. Mr. Blake).

Hon. Sir JOHN A. MACDONALD said that the gentlemen on the opposite side of the House who had followed the hon. member for Cardwell (Hon. Mr. Cameron) did not address themselves to the question raised by that hon. gentlemen which was really the question in point.

He had heard it rumoured, and from appearances should judge the rumour to be well founded, that the hon. member for Durham West (Hon. Mr. Blake) had been elevated to the honourable and responsible position of leader of the Opposition. If this were the case he congratulated the hon. gentlemen on the eminence to which he had attained. He was led to believe that there was foundation for the statement from the manner in which the hon. member had treated the question now before the House. As that hon. gentleman had not confined himself to the strict legal and constitutional view,

but had taken that broader and more extended view which might be expected from the leader of a party.

The true argument moved in a different line from that taken by the hon. members opposite. Those hon. gentlemen had stated that the returning officer had made a mistake; now the question in point was not whether the returning officer was right or wrong, but whether the House was the proper place to try that question. His hon. friend, from Cardwell (Hon. Mr. Cameron) had contended that this House was not the proper tribunal in which to try the question raised. Now if it were true that this House was a proper place to try this question, then he feared that they might put aside all idea of devoting themselves within a reasonable time to the regular business of the session.

For the express purpose of avoiding such delay in the public business, and for the higher purpose of avoiding party and political votes on questions of this nature, the law had provided another and a specific tribunal, a sworn tribunal, a tribunal surrounded with all the authority of judges; a tribunal having all the duties to perform that the judges of the land had imposed upon them, a tribunal which the wisdom of the law had for years decided should try cases of this sort. This tribunal, upon whom both England and Canada the duty of trying cases of controverted elections had been thrown, this tribunal had the same obligations as our courts; they took as solemn oaths as our judges did, and he hoped and believed they purged themselves as completely of all political or party feeling in the execution of their duty.

He (Hon. Sir John A. Macdonald) would deeply regret that the time of the House should be taken up in the trial of disputed elections. If they interfered in this case no member of the House had any assurance that his seat might not be contested not only during the present session, but at any time during the existence of the present Parliament. They knew that the law relating to controverted elections, specified the time at which petitions could be sent in, and that if the parties interested, whether they were constituents or candidates, neglected within fourteen days to present their petition, no matter how irregular the proceedings might have been the member held his seat. It was also provided that the petition must be presented by the opposing candidate or by a constituent qualified to vote at the election. And if no one, either constituent or member, had sufficient interest in the matter to petition within the fourteen days prescribed by law, then the opposite party would have gained a right to his seat which could not be impugned.

He moved, "That the return made by the returning officer of the member to represent Peterborough West in this House, and all papers connected therewith, be referred to the select standing committee on privileges and elections to be appointed in pursuance of the order of the House made on the 10th inst., with instructions to proceed without delay to enquire and report to this House the proper course in order that the rights of all parties may be duly protected." (*Cheers.*)