

officers; he had distributed the ballots with the names of the different candidates upon them. That poll was held on the 22nd of February, and when he received the returns of the different deputy returning officers, after summing up the votes and discovering that Mr. King had a majority, he then, as I say, in violation of the law—in fraud of the law—returned the man who was the minority candidate. On this matter I do not intend to address the House at any length, because the subject has already been pretty well debated. But we are now in this position, that the time required by the Election law for the filing of a petition has gone by. I may say that Mr. King feels that he has been deeply aggrieved, and that after the strife and trouble of a contest, he should not be subjected to the expense and inconvenience of another contest in the courts of law, which it would be almost impossible for him to attend to. He feels that if this House is powerless to correct the wrong which has been done to the rights and liberties of the electors of Queen's, it is not incumbent upon him as an individual to spend his time and money in endeavoring to vindicate those rights and liberties which he believes it was the bounden duty of this House to do. We stand in this position, as appears from the examination of the returning officer yesterday, that the individual whom he returned, and who sits in this House representing the county of Queen's, was the minority candidate, and a person who was not by law entitled to be returned. I say that was a fraud perpetrated upon the people, and if, with all the advantages which our election system is supposed to possess, such a wrong and violation of the law is allowed to be perpetrated, and this House is powerless to afford a remedy, then we had better return to the old system altogether. That Mr. Dunn has violated the law is perfectly clear; that he was the nominee of Mr. Baird whom he has returned, is also clear; and I think, so far as Mr. Curroy is concerned, the counsel and election agent of Mr. Baird, we can show that to a certain extent he was in communication with Mr. Dunn. In his examination yesterday the returning officer stated that he had had no communication with that gentleman, that he had not obtained his law books, and that he had not stated so on declaration day. Now, I find, in the report of the proceedings held on declaration day, that, at the conclusion, after he had changed his mind—

Mr. FOSTER. What are you reading from?

Mr. WELDON (St. John). I am reading from a report in the *Daily Telegraph* of the 7th of March of what took place in Queen's, by a reporter specially sent there. It says:

"After this there was an attempt to raise three cheers for the returning officer, at which honest men turned away, and then the fun began. Compliments flew around in an uncomplimentary manner, and John R. Dunn was the brunt of the attacking party. It grew so hot at last that he rose and said he had acted according to his conviction."

"Mr. T. N. WETMORE. Mr. Dunn told me only three days ago that he could not decide against Mr. King on the point in question in the nomination paper."

"Mr. KING. Mr. Dunn made a remark of a similar nature to me later than that."

"Mr. DUNN. I, like every other man, am subject to a change of opinion. I did tell Mr. Wetmore what he has said that I told him, but since that time, through the kindness of Mr. L. A. Curroy, I have been able to look at some of his law books and have been led to change my opinion. I have done what I think is right and I will stand by it."

"Mr. KING. I would ask you, gentlemen, not to argue this matter further now. It will be argued elsewhere."

"The crowd dispersed, and it was noticeable from the general tone of the conversation on the streets and in the hotel, that Mr. King had the warm sympathy of every honest Conservative and every Liberal present."

I read that, because I know that while an attempt was made to impugn the veracity of that statement, it was subsequently admitted by persons there present, who were friendly to Mr. Baird and Mr. Dunn, to be a correct statement of what took place on that occasion. Now, it appears also that an order was made by one of the judges of the Supreme Court which did not call on Mr. Dunn to show cause in any shape or

form, but which was simply a rule nisi obtained to require the judge of the county court, Mr. Medley Wetmore and Mr. King, to show cause why a writ of prohibition should not issue, in the meantime all proceedings being stayed. In that writ Mr. Dunn was not mentioned at all, and while I am not here to argue whether that rule nisi should have been issued, or whether the Supreme Court had any jurisdiction at all, I do contend that Mr. Dunn sheltered himself behind it to refuse to comply with the explicit direction of the Election Act, to return the ballot papers to the judge of the county court for a recount, and at the same time to make a return to the Clerk of the Crown in Chancery. He did make a return, but not the return required by law. He simply sent a certificate of the return of one of the candidates, stating that the other candidate was not duly nominated. Yesterday, I asked Mr. Dunn how he came to obey that rule nisi, whether it was not in consequence of a statement made by Mr. Curroy, as to what the judge told him at the trial. Now, I find in the *Telegraph* of the 12th of March a report of the proceedings before Judge Steadman, as follows:—

"It was then pointed out to the court by the counsel that the rule nisi was a matter between the Supreme Court and Judge Steadman, with which Mr. Dunn was not concerned or was his name even mentioned in it, and Judge Steadman was requested to intimate to Mr. Dunn his opinion that Judge Tuck has no jurisdiction in the matter. Judge Steadman then said that such was his opinion and clearly manifested by his being there ready to proceed."

"Mr. Dunn then said that when Mr. Curroy served him with the paper he told him that Judge Tuck had said to Curroy to say to him, Dunn, that that paper was equal to a command to produce this statement and ballots, and he, therefore, declined to produce them."

It is quite clear that the returning officer sheltered himself under that rule nisi for the purpose of evading the requirements of the law and the order of the judge of the county court, and of committing a gross violation of the law. Now, I say that every member of this House, no matter what party he belongs to, must feel that this was a clear violation of a provision of the law, which did not require the assistance of legal advisers to explain, but a clear and plain statement that any man could read and understand. I feel, Sir, strongly with regard to this election, as it took place in the Province in which my own constituency is situated; but I feel further that this is a matter of moment to every man who has a seat on the floor of this House. It is a matter of consequence to every man who has a right to exercise his franchise. It is the right of every elector that is now at stake, because, let us admit that the returning officer may thus violate the law, and the privileges and rights of the electors may be trampled on with impunity. If the law is so defective that this can go unpunished, and that a man who has not been elected to represent an electoral district can still sit in this House for years to come, I trust that the Minister of Justice and the Government will without delay bring in a Bill to remedy this state of affairs and prevent such an outrage—for I cannot characterise it by any other name—being perpetrated on the electors of any electoral district. It is not merely the present but the future we have to look to. I find in this matter, because Mr. King was a Liberal and Mr. Baird a Conservative, that it is made a party question, but I find, and I say it to the credit of the press, that a great portion of the press which support the Government have denounced this proceeding in as strong terms as the press on the Reform side. That shows what the public opinion of a country is. If that is the public opinion, as expressed by the press of both sides, I think it is the bounden duty of the House to give expression to public opinion, and teach returning officers and others connected with elections that the law must be obeyed. When a man has obtained his seat by improper means, although he had the majority of votes, the law is clear as to the course to be pursued to ascertain whether he has rightly obtained his seat or not. After a