

not prepared to say that it is expedient we should sit here as a court or commission on matters that are brought before us. I do not believe that it is a matter interesting to the country at large. I believe that the last elections were conducted just as properly, just as morally, just as fairly as any elections were conducted in the past since 1867. But the trouble with my hon. friends opposite is that the result has been so unfortunate to them that they cannot bear to look at it as calmly and as magnanimously as they have been accustomed to. I do not believe that public opinion would justify us in going into this enquiry when all the rights of the members of the House, and therefore of their constituents, are properly conserved by legislation in existence, and when any aggrieved person can go into the court if he desires, where he can have the conduct of the returning officer investigated. It is no argument to say that it imposes responsibility upon the plaintiff who begins this suit, because that difficulty attends every one who goes to the courts for redress. The returning officer is already responsible enough under the general legislation of the country, and is liable to penalties for any wrong or offence of which he may be guilty. We have the proper machinery that would save a great deal of time to the country if we let the parties aggrieved seek redress from the courts. My hon. friend has alluded to the returns in 1874 which I have brought before the attention of the House; he has alluded to them at least twice, and I think it unfortunate that we are not in a position to say whether his estimate of the political opinions of the gentlemen returned in 1874 is correct, or whether my estimate is correct. I by no means vouch for the figures I gave to the House, because I moved for the papers in order that we might examine them, and I hoped that my hon. friend after he had seen the comparison, would have been satisfied to delay his motion until we had the papers on the Table. I stated that in the first *Gazette* four Grits were returned; on 21st February, ten Grits and two Conservatives were returned; 28th February, four Grits and one Conservative. There was a reason for these returns being delayed so long, according to the ideas of hon. gentlemen opposite. Then I find the prominent men in the different Provinces did not appear in the *Gazette* until the very last. There were seven batches in all. The hon. member for Cumberland (Sir Charles Tupper), who was a prominent man in politics at that time, was not in the first *Gazette*, and the Minister of Inland Revenue was only in the last batch. But I did not bring that argument forward as a *tu quoque* argument at all; I brought it forward to show that this accident would happen, as the common phrase is, even in the best regulated families, and I think it has additional importance to-night, as it corroborates the views taken by the hon. member for Queen's, P.E.I., in virtually saying that we should hesitate before passing final judgment upon the statements of the Clerk of the Crown in Chancery.

Mr. DAVIES. The hon. gentleman misunderstood what I said. I said that it was apparent that a *primâ facie* case had been made out against the Clerk of the Crown in Chancery, but that, like other *primâ facie* cases, possibly it might be answered if it was referred to a tribunal where there was an opportunity to take evidence.

Mr. TUPPER. I said no more. I think the hon. gentleman is fair in the statement he made. He practically admits that the result of this roving commission may be to waste the time of the House for weeks and months. Stronger *primâ facie* cases have been made and successfully met time and time again in the hon. gentleman's own practice and in the experience of every hon. gentleman, and the result may be that the time of Parliament would be wasted on this fishing excursion. I am not, therefore, prepared to vote for any proposal of that kind. Judging from the temper

Mr. TUPPER (Pictou).

of hon. gentlemen opposite who have given their experience, I have no doubt if there is a *bond fide* case, they will be ready to drag the offending officer before a tribunal. If our tribunals are worthy of public confidence, returning officers who have neglected to perform their duty faithfully will be punished, and no one would be more anxious to punish the Clerk of the Crown in Chancery than some hon. gentlemen opposite. Our judges are paid to do this work, and we are sent to this Parliament for an entirely different purpose. The English Parliament does not deal with cases of this kind, but they are covered by the statutes from which I have quoted. Individual members have made statements with respect to their own returns, and, if we are going to proceed with an enquiry, it is very unfair that returning officers who have been accused in the most wholesale manner of neglecting their duties, should be thus attacked and serious charges preferred against them. Those gentlemen, as I have pointed out, are face to face with those penal enactments, and surely it is unfair in the case of officers who may have to appear before a court of law that their conduct should be discussed here. The return for the county of Pictou was one of the longest delayed, and, strange as it may seem to hon. gentlemen opposite, the returning officer is a member of the party of hon. gentlemen opposite and a life-long opponent of my colleague and myself. Though he delayed his return, and I think it was almost the last of all those gazetted, yet I have not the slightest doubt he acted in a *bond fide* manner, and I never complained. Hon. gentlemen opposite who have been returned to this House by their different constituents should have been the last to complain. They are here, and they should not quarrel with their returning officers for sending them here, even if a little tardily. There has not been a *bond fide* complaint made out. Reference has been made to the election in Queen's; but that has nothing to do with the present question and it was not attacked in connection with a long delayed return. There has not been a single case upon which to maintain the general charge that has been made, and I trust the House will hesitate before it imposes on us this most unfortunate duty of sitting as a commission of enquiry and assuming functions which the courts of law possess, and which they can adequately discharge.

Mr. LISTER. As I understand the question before the House, we are not enquiring into what the returning officers did particularly, but the resolution before the House questions the actions of the Clerk of the Crown in Chancery. That is the particular subject of investigation here this evening. I always listen with a great deal of pleasure to the hon. member for Pictou (Mr. Tupper). The hon. gentleman discusses the question with that vigor and *ex cathedra* style which leads us to hope that in the course of time he will make a leading debater in the House. But the hon. gentleman seems to fall into the way of a good many of his friends, of constantly referring to the results of the last elections. I desire to inform the hon. gentleman that we do not feel nearly so badly over it as he thinks we do, and when the facts are made clear he will not have so much reason to congratulate himself as he seems to have on the present occasion. The hon. member for Monck (Mr. Boyle) undertook to defend the action of the Government, and instanced the elections for the Local Legislature. It made no difference, however, when the gazetting took place as regards those elections, because the time for protesting does not run from the time of gazetting. Even if it did, the hon. gentleman put himself out of court, because it was plain that those returns were perfectly fair, and that the Conservatives received a fair proper proportion of the number of members gazetted at a certain time. The hon. gentleman talks about fishing excursions. He seems to have fishing excursions on the brain, to use a