

March 10, 1873

HOUSE OF COMMONS

Monday, March 10, 1873

The **SPEAKER** took the chair at 3 p.m.

Prayers

PETITIONS

Among the petitions presented were several for the prevention of the manufacture of intoxicating liquors under the Prohibitory Liquor Law.

Mr. RYAN presented a petition from the Dominion Board of Trade respecting the insolvency laws, and praying for the continuance of the Act of 1869.

Hon. Mr. BLAKE presented a petition praying for an investigation into the alleged frauds in the Townships of Hagarty and Sherbrooke, in connection with the South Renfrew election.

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APPOINTMENT: ASSISTANT CLERK

Hon. Mr. MACKENZIE said he desired to ask the Speaker, as Chairman of the Commissioners for the management of the affairs of the House, whether any person had been named to fill an office vacant at the Clerk's table, and whether it was the intention to promote meritorious officers who then occupied positions in the House, and were fully capable of performing the duties satisfactorily?

The SPEAKER said the appointment had been made. He had selected for the office a gentleman who he believed would perform the duties satisfactorily. The gentleman's name, if the hon. gentleman wished to know it, was Mr. Piche, Q.C., a gentleman who was formerly a member of the Parliament of the old Province of Canada.

Hon. Mr. MACKENZIE: That gentleman, I believe, has not previously held a position in this House?

The SPEAKER: He has not.

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CONTESTED SEAT: MUSKOKA

Hon. Mr. BLAKE said that in rising to call the attention of the House to the other case of privilege which he had intimated he would bring before it (Muskoka election) he felt that the discussion which had already taken place would enable him to abbreviate very much the remarks which he might otherwise have thought it his duty to make. The motion he was about to make was one which probably he would have earlier brought

before the House, had it not been, for unexplained circumstances, that the papers had not been fully entered upon the votes and proceedings, and consequently the House was not in possession of that portion of the matter upon which they were called upon to set.

The case was one of extreme clearness. He would shortly state the facts upon the poll books and papers before addressing himself to the difficulties which seemed to have oppressed the mind of the returning officer. In Muskoka there were two candidates, Messrs. Cockburn and D'Arcy Boulton. A poll was demanded, granted and taken; and, from the poll book returned by the returning officer, it appeared that the total number of votes polled for Mr. Cockburn was 652, while the total number polled for Mr. Boulton was 530, thus leaving a majority upon the total poll for Mr. Cockburn of 122 votes; but the poll book for the township of Morrison was lost, and the returning officer under the statute took the evidence of the deputy returning officer for Morrison, and ascertained, as appeared by his return, that in that township the total number of registered voters was 48. There were 37 polled, of which 3 were for Mr. Boulton and 34 for Mr. Cockburn. Owing to what the returning officer thought to be a difficulty, he found himself unable to add this poll to the other poll books.

The result of striking out those votes would be that the poll upon the books, which were actually produced, and which by the returning officer were stated to be regular, would be 618 for Mr. Cockburn, and 527 for Mr. Boulton, giving a majority for Mr. Cockburn of 81. The returning officer further stated that the majority of votes in the return of the deputy returning officer for Parry Sound was in different handwriting from that in which the first two of the votes were recorded, and that he had made some enquiries upon the subject and found that 81 votes were for Mr. Cockburn, and 19 for Mr. Boulton. Striking off this poll, as well as the poll for Morrison, the result was that there were 534 votes for Mr. Cockburn and 508 for Mr. Boulton, or, a majority of 26 for Mr. Cockburn. In this case they had not to deal with any difficulty upon the ground of qualification. The returning officer had not returned the minority candidate; he had made no return at all. He had alleged that owing to the facts with reference to these two polling divisions, he had made no return as required by law. The result was that the constituency of Muskoka was at this time disfranchised by the action of the returning officer.

He had already stated his views as to what were the functions of the returning officer and he rejoiced to know that those views were not in the slightest degree controverted in the discussion on Friday. His duty was to return the candidate who had the greatest number of votes. In this case they had not the difficulty of his having returned somebody, and so they had not to take what some considered had