

and which certain hon. gentlemen in this House think ought to be met in the way they point out. Then my conclusion is that this is a fishing enquiry, that the House proposes to endeavor to ascertain whether there has not been some wrong-doing, and that, while uncertain and with minds still undecided as to whether there is really cause for directing the attention of Parliament to the manner in which any particular returning officer have performed their duty, still, perhaps, some hon. gentlemen hope that, in the immense number of cases that will of course be brought up and that can be brought up, they might find one or two glaring cases in which the officer has not performed his duty, and then they will be able to censure him, to punish him, and to make political capital out of the transaction and so to use it against the Administration of the day. I take the ground that that is not at all in keeping with the wise course of procedure followed in England for some time back. If hon. gentlemen, in their perusal of the many cases into which investigation has lately been made, have read carefully the precedents in the journals in the Mother Country, they must have been struck with the many complaints similar to those which are being made in this Parliament which were ventilated against the returning officers in England time and time again; and there were many cases in which Parliament went through this form, in which the returning officers were summoned, in which the returning officers appeared, in which the returning officers were found guilty and were punished, and their conduct seemed so bad in many cases that Parliament undertook to rid itself of sitting as a *quasi*-criminal court, or to rid itself of sitting in judgment upon these men. And how did they do it? They passed penal enactments, they passed stringent regulations, imposing heavy penalties upon the returning officers for neglect of duty. These statutes are of comparatively modern date. They were passed to compel these officers to perform their duties properly, and this matter was in that respect left for the ordinary tribunals of the country to deal with. We have copied the statutes from the English Act, and among others is the 101st section of chapter 8 of the Revised Statutes of Canada, and that section says:

"If any returning officer wilfully delays, neglects or refuses duly to return any person who ought to be returned to serve in the House of Commons for any electoral district, such person may, if it has been determined on the hearing of an election petition respecting the election for such electoral district, that such person was entitled to have been returned, sue the returning officer who has so wilfully delayed, neglected or refused duly to make such return of his election, in any court of record in the Province in which such electoral district is situate, and recover from him a sum of five hundred dollars, together with all damages he has sustained by reason thereof, and costs, provided such action is commenced within one year after the commission of the act on which it is grounded, or within six months after the conclusion of the trial of the petition relating to such election."

Now, if the conduct of the returning officer has been such as to lead to grave injustice being done to any hon. member of this House, the laws of the country have met that case and it is now the law of the land that a remedy is at hand for any person so aggrieved. But it is not proper, in my humble judgment, that the House of Commons, sitting here to transact business of great importance, should go on this roving enquiry and endeavor to punish these officers for the mere sake of individual cases or personal spite, or whatever you choose to call it, or in order to make political capital, or for any other reason where it does not affect any hon. gentleman in his rights in this House, or as a representative or as a candidate in the election. I claim that, if such an enquiry as is proposed to this House is a proper one for us to enter upon, surely there are others, there are hosts of cases, there are thousands of cases equally important upon which we should also enter. I take it that the law of the land is more particular in regard to bribery than it is in regard to anything else concerning elections, and not only are members compelled to face the serious consequences of any bribery that they may individually commit in an election, but indivi-

dual electors are to be punished for the commission of such an offence. We know that the statutes regulate the sitting of a court of enquiry or the issuing of a commission of enquiry into corrupt practices in the different constituencies; and, if we proceed upon this investigation, we will have to devote the whole year or several Sessions of Parliament to the issue of a commission to fish, to seek out, and to find if we can the thousands of cases that may have happened, that the hon. gentlemen opposite charge have happened, where gross bribery or gross intimidation has occurred, and the laws of the land have been directly violated in connection with the representation in this House. Do the hon. gentlemen seriously propose to follow this up?

Mr. MILLS (Bothwell). If my hon. friend will allow me to interrupt him, I would ask if he means to argue that our only redress is in the courts of law and under this penal statute, that, in regard to our own officer, we cannot enquire into his conduct with a view to his dismissal, that, in fact, we cannot dismiss him on certain grounds, and that our only recourse against him is to sue for damages.

Mr. TUPPER (Pictou). I hope, before I sit down, I shall be able to reach the intelligence of the hon. gentleman from Bothwell, so that that enquiry on his part will prove to be unnecessary. Up to this point I will tell the hon. gentleman opposite I have not made that statement, I have not made that argument. I may have been a little ambiguous, but I have endeavored to express as concisely as possible the views I entertain. The argument that I have been endeavoring to state is one that struck me a moment ago, and is not at all affected by the position which the hon. gentleman asks me if I am willing to take. Now, I have not stated that the House of Commons cannot enquire into the conduct of the late elections; I have not argued that, as in the election case which we discussed the other night, the House of Commons has no jurisdiction, or that the House of Commons has divested itself of the jurisdiction which it contained. I have been endeavoring to show that it is inexpedient, and there is no good purpose for us to exercise this power, which I understand it is plain we do possess. I do not understand that any hon. gentleman has challenged the right of the House of Commons to enquire into the conduct of the Clerk of the Crown in Chancery, or of any returning officer, but I say that it is inexpedient for us to enter upon an enquiry which the hon. gentleman from Queen's, P.E.I. (Mr. Davies), says, stands now in a position that so far as we are informed, we do not know what may actually happen. So far as his position is concerned, there is no real necessity for this investigation, and no real outrage has been perpetrated, because, as he says, the evidence is merely *prima facie*, he is not able to name the delinquents, he is not able to say that such and such an officer has come within the provisions of the Act which punish violations of it. He says it appears from the returns laid upon the Table by the Clerk of the Crown in Chancery, that irregularities have occurred which have affected hon. gentlemen on that side of the House more than on this side; therefore, he proposes that we turn ourselves into a commission of enquiry, and summon all the returning officers of the Dominion and endeavor to see, after a cross-examination, whether we cannot find some poor unfortunate whom we can punish and then leave him to be punished again in the courts. When my hon. friend interrupted me in—and I do not speak in an impolite sense—an impertinent question, as it had no bearing on the views I was expressing, I was proceeding to say that I considered it highly inexpedient that we should enter upon this kind of investigation unless we were prepared to put all the other business of the country aside in order to enquire, first, into this question, and then as to whether gross bribery has been committed in this or that constituency. I for one am not prepared to go into this investigation. I am