

Mr. ELLIS. If I said returning officer, I made a mistake. I meant revising officer.

Mr. FOSTER. I will say that so far as I know, and I think my knowledge of the question is quite as great as that of most hon. gentlemen opposite, Mr. Dunn is a man of education and a man of intelligence, a man of good family and good character. I believe that what he did, he did because he conscientiously thought he was doing right; and I think it would be far better for us, unless there is evidence, and strong evidence, to the contrary, not to impugn the motives of the returning officer and thus show we are not in a judicial frame of mind. My hon. friend from St. John (Mr. Ellis) thought that he could not do better service in the interests of justice and of fair and judicial judgment than to read what purported to be a statement made by Mr. Baird at the time of the declaration. May I ask that hon. gentleman from what source those sentiments were obtained? Will he vouch for their being the sentiments of Mr. Baird? Does he not know they were published in a paper inimical to Mr. Baird and the party to which he belongs? Does he not know that they were publicly denied? And will he stand up and vouch for their truth in Parliament?

Mr. ELLIS. I will say this, that they were reported by one of the most competent reporters on the St. John press, and to my knowledge Mr. Baird has never denied them.

Mr. FOSTER. In what paper?

Mr. ELLIS. The *Daily Telegraph*.

Mr. FOSTER. All who know that paper and have been cognisant of its course for the last two years will require stronger testimony than this to prove anything true that appears in it. It is however an evidence, as I said before, an additional evidence of that fair, calm, judicial temper of the would-be judges in this case, in which the rights of individuals and the people are concerned, that they should take a newspaper report, which has been denied, and which has been made by a paper not noted for its veracity, but for its extreme partisanship, and cite it as evidence. Such things as that hardly comport with the character of judges deciding a case of such importance. The hon. member for the city of St. John said this was a case of the people against Mr. Baird. If it is, why now allow Mr. Baird a chance to be heard? But my hon. friend would come here, and, with his friends, decide the case off-hand. I am not a lawyer, and I am puzzled with reference to this matter. Laymen in this House are not in a position to decide this question. The first question to be asked is: Who is a candidate at an election? He is not every gentleman who puts his name before the people. There is a certain path by which a man comes to be a candidate, and if he does not come to be a candidate through travelling that path, no matter how good a man he may be, he is not a candidate in the eyes of the law. Did the candidate in Queen's county, for whom to-day hon. gentlemen opposite claim the seat, become a candidate in the legal acceptance of the term? Did he travel the path which is laid down by legal enactments? That is the question which lawyers are to decide; not one which we laymen can decide in a spare moment. Another question is: Has the returning officer judicial power? Hon. gentlemen opposite have admitted that he has. There is question as to the limits of these powers, as to when he becomes divested of them. That is a question for lawyers to decide; that is a question for judges to decide, and it is not a question which men, unversed in the law, can decide off-hand. Another question is as to precedents. I have listened to a great many to-night. I do not understand the full drift of them; I do not think any hon. gentleman can, until he studies up the cases himself, until he has ascertained what were the laws upon which these precedents are based, what were the circumstances, and whether these precedents go on all fours

Mr. FOSTER.

with the question before us. That is a question not for laymen unversed in the law to decide, but for legal gentlemen. These cases ought to be left where the wisdom of Parliament justifies their being left, namely, with the courts of the country, and the courts of the country will see that the rights of the people are not infringed upon. This question has been brought before this House in order to give a seat to a person who has not been declared to be returned by the returning officer, and as it is well for this to be decided, it is better it should be decided, after it has been thoroughly sifted by the best legal talent of the House. I will be prepared to vote to refer it to the Committee on Privileges and Elections, where the best legal gentlemen on each side can take up the whole matter, go over the legal question, investigate precedents, and give us the benefit of a calm and judicial consideration of the matter. I have too high an opinion of hon. gentlemen who compose the Privileges and Elections Committee, to think that when they come to discuss this question they will turn themselves into partisans. I believe they will approach the question as fairly as legal minds can, and give us the benefit of their report.

Sir RICHARD CARTWRIGHT. I have no doubt whatever that the hon. gentleman, after carefully weighing the reasons and arguments advanced, has with pain and care made up his mind to consent to the course the Minister of Justice had adopted in advance; and it does him great credit to have been able after all that time to have come to a conclusion. I believe the conclusion which the House will draw and ought to draw, which the country has already drawn from this matter, is the gross impropriety of the Government of the country appointing the returning officers at their will and pleasure. I think that is the lesson to be drawn, and if hon. gentlemen on the other side are desirous of purging this House of the complicity in this outrage, they will take steps forthwith to get rid of this most obnoxious power, and put it in impartial hands—in the hands of the judiciary as is done elsewhere, or in the hands of some more permanent officials having a stake in the country, and who can reasonably expect to be trusted by both parties. What is the leading fact in this case? The hon. gentlemen have asked for precedents. I do not wonder that my hon. friends were unable to find any precedents for such a case. I do not believe that any precedent for such an outrage as this before this House can be found in the annals of any representative body in any quarter of the world, and, if there are no precedents found, it is because no precedent exists for such an act as this. But I want to ask if it is not true, as I have heard it asserted in many quarters, that there are in this House, holding their seats on both sides, a very considerable number of gentlemen in whose case the deposit was not made by their recognised agents, and who, if the ruling of this returning officer were right, have no business to sit here. I am informed—the hon. gentleman can contradict me if I am wrongly informed—that this is the case even in regard to the Premier of the Dominion in connection with his election for the county of Carleton.

Sir JOHN A. MACDONALD. That is a mistake, altogether.

Sir RICHARD CARTWRIGHT. Well, I am very glad to hear it, because it would be a most unprecedented and extraordinary thing if the Premier was sitting here under such circumstances and was trying to deprive my hon. friend Mr. King of his seat on that ground, but, if it be not true in his case, it is true, as I have heard from many quarters, in the case of a number of other gentlemen who are here now. It appears to me to be one of the most pitiful and contemptible quibbles that I have ever heard of. Take these Consolidated Statutes to which my friend called the attention of the House, but to which I will venture to call the attention of the House again, and we will see what is