

of his official duties which is altogether unknown to the law in the United Kingdom. The result of this is that one of the parties interested in every contest that takes place possesses an undue influence in that contest. The Clerk of the Crown in Chancery cannot issue the writ, he cannot conform to the warrant issued by the Speaker, until the Administration make known to him whom they have appointed as returning officer for the purpose of holding the election; and so, however desirous he may be to discharge his duty, in conformity with the spirit and intention of the Act, his good intentions in that respect are frustrated; his ability to conform to the requirements of the law are rendered nugatory, so long as the Administration choose to refrain from appointing an officer to hold the election. That being the case, it is of the first consequence that Parliament should watch carefully every step taken in every election which is being held in any portion of this Dominion. We sometimes hear it said here that parties are disposed to live and to die British subjects. I am not going to discuss the question of dying, because I suppose most hon. gentlemen like to stay where they are acquainted; and so, I suppose, they have no particular anxiety to end their days in any hurried manner. But, Sir, I may say that those who are anxious to live as British subjects in Canada ought to be anxious to maintain the spirit and principles of British institutions; and it is not maintaining the spirit and principles of British parliamentary government to put it in the power of an Administration to exercise an undue influence through the instrumentalities which are employed in holding a parliamentary election. The Government, I say, are always a party to every election contest that takes place; and in the election contest to which I am about to refer, the one which has recently taken place in London, a Minister of the Crown was one of the candidates. That Minister of the Crown was also a party to advising His Excellency who the returning officer and the various deputy returning officers, within the constituency, should be. Hon. gentlemen will see, then, that the relation between one candidate and all the officials employed holding the election is quite different from the relation between the other candidate and those officials. So, where these large powers are given to an Administration, it is of all the more consequence to see that the parties who are appointed for the purpose of holding an election strictly conform to the law. I say, Sir, that Parliament always has the power to protect itself; and the appointment of an election court, for the purpose of trying controverted elections, does not at all derogate from the power that is inherent in the House of Commons. So far as a particular class of matters are concerned, it may be important that the House should abstain from taking any action where the courts are called upon actively to interfere and to adjudicate in reference to litigated matters. That the original authority and right of Parliament is not derogated from by the substitution of a court of justice for a committee of the House in the trial of controverted elections, was admitted in a discussion that took place in this House some years ago. In that discussion, Mr. Blake said:

"He would be very sorry to believe that the House had been deprived, by the position of the Controverted Elections Act, of its power over returning officers and deputy returning officers—of its power to investigate complaints
Mr. MILLS (Bothwell).

made against them, and to punish them for improper conduct."

And Sir John Macdonald, in speaking in the same debate, said:

"He was glad the hon. member ~~did~~ not propose to ask the House to consider the points raised in the petition when the election case was before another tribunal; at the same time it was not to be supposed that the House had abandoned its right to control, censure and if need be, punish, returning and deputy returning officers."

So that, so far as the power of Parliament is concerned, there can be no question that the power does exist, that this House has inherently in itself the power to supervise the officials it employs to hold elections in any constituencies; and while in some cases it may not be necessary to intervene, it is always proper to observe, so that, when there is a serious abuse of authority, when there is an abuse of office, this House may use the power with which it is vested in the public interest for the purpose of protecting the rights of parties which are affected when the power can be more conveniently exercised by this House than by any other tribunal or party. This is obvious for this reason. Let me suppose, for instance, that the returning officer should return to this House a party who had received a minority of votes, a party who is an alien, a party who is a felon, and no objection had been filed in the case, no action had been taken in the case—clearly the House is not in such a helpless position that it could not purify itself and protect the rights of the electors of the country against any intrusion or abuse of that kind. The returning officer may commit a fraud upon the House, he may return a candidate having a minority of votes, and surely it is open to this House to call on the Clerk of the Crown in Chancery—and it has been done again and again—to produce the return made and to insist upon an amendment of the return in accordance with the facts. If there be any question of law, if there be any question of litigation between the parties, if no reference is made to the courts for adjudication, it is open to this House to protect itself against abuse and against any person who has no right to sit here now, just as much as it was in the former history of Parliament. As a rule the courts have to consider questions of law and fact, and the conclusions of the law from the facts so stated and proved, but, where the question is merely one of arithmetic and nothing more, I think it is clear that the observations made by Lord Esher in an important case—the Bangor case which was tried three or four years ago—are strictly applicable, and it would be a neglect of duty for the House to refuse to do justice in the matter and to compel the parties to have recourse to expensive legislation. I do not mean, by the resolution I have proposed, that this House shall exercise a meddlesome oversight, that it shall use the power with which it is vested, where the employment of such power is unnecessary, but I say that, whenever it becomes clear that a wrong is about to be done, that authority is about to be abused, that the parties who are entrusted with the discharge of important duties are failing in their duty, the fact that this House is not indifferent to what is being done, that it is exercising a supervision over its officers, is calculated to have a very important and salutary effect, and when that supervision is exercised with fairness and moderation, I am certain that such abuses as existed in the Province of New Bruns-