

(Continued from first page.) It would be safer for him to return the candidate who has the majority of votes, and leave the question of qualification to be disposed of by the judge.

It says according to the Statute. What does the Statute say? It 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 an electoral district, such persons may, in case it has been determined on the hearing of an electoral petition respecting the election for such electoral district, that such person was entitled to be returned, sue the returning officer having 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 situated, and shall receive a sum of \$500, together with all damages he has sustained by reason thereof, and full costs of writ."

The writer Mr. Rogers, further says:

"These words are very comprehensive and would seem to include the case of a sheriff returning a disqualified person, provided notice and proof of such disqualification had been previously given to him. And if this be the case, a returning officer would, if the unsuccessful candidate were held by the Judge entitled to have been returned, be subject to a very serious liability. The question, therefore, arises, what is the returning officer's best course in such a case?"

We should look at this question judicially; we should not endeavor to raise popular cries, as is being done by hon. gentlemen opposite. The delay cannot be very great. The hon. member for West Huron (Mr. Cameron) brought the matter to the notice of the House on the 20th of last month, and he went away somewhere—I do not know where—and left this unfortunate country without its second representative in the House, and this great injustice has remained from that day until now. I am aware its consideration was postponed once at the request of the hon. the First Minister.

Mr. CAMERON. Three times. Mr. McCARTHY. At all events the country would not suffer from a further delay of three or four days. What is the proper course to pursue? The writer from whom I am quoting says:

"In the Leominster case, under similar circumstances, the sheriff returned both the qualified and unqualified candidate, and this conduct does not seem to have been reflected upon; and this it is conceived is, on the whole, the safest course for the returning officer to pursue."

The important writer to whom I have referred lays down that the proper office for the returning officer, under these circumstances is to return both candidates—to make a double return. I have said already that the effect of the legislation of 1874 may make a difference; but it has never yet been decided that it makes a difference. I heard an hon. member from New Brunswick intimate that it does make a difference. Is that so perfectly plain? The Act of 1874 is based on the law as it stood. That is not the only law we have to supply. We have to supply the law of Parliament as amended by that law and looking at the law of Parliament as altered by that do we find any enactment that the returning officers shall from this time forth cease to be anything more than a Ministerial officer? That may be the effect, but there is no distinct enactment, and it is not so perfectly plain that we can assert it as a matter beyond all doubt. I give hon. gentlemen opposite another authority. In Busby's Practice in Elections, 1880, speaking of double returns the writer says the returning officer's duties are partly Ministerial and partly judicial. Such are the opinions of the very latest English authorities, and we have no writer asserting the contrary, that the returning officer's duties are wholly Ministerial. The Act, of course, read alone, without reference to the law of Parliament, is very plain, but we have to read the law of 1874 as a part merely of the law which regulates us and guides us in matters of this kind. In the case of a convicted felon would not the returning officer be quite warranted in refusing to return him; or in the case, a minor case, which is put in the English books, would he not also in that case be authorized in refusing to make a return. But this is a matter which ought to be decided deliberately, and not by the violent harangues that we have heard at least from one hon. gentleman, who has spoken on the opposite side. I therefore submit with very great confidence, that this is a matter which cannot be dealt with, if at all dealt with in this House, in the manner suggested by the hon. member who moved the original resolution. Now let me point to a pertinent incident. From this very same Island, in 1874, Mr. Perry, Mr. Stanislas Francois Perry, came to this House. He had been again elected by a large majority to this House; but, Sir, when he came here, he found this law on the Statute-books, and, of course, according to the notions of hon. gentlemen opposite, he at once should have taken his seat. He had done everything he could to resign; but it was a question whether his resignation was proper or not; and what did Mr. Perry do? He presented a petition to the House, and asked the House to consider the matter—whether he was entitled to sit and vote or not. The House referred the matter to the Committee on Privileges and Elections, and they said it was so doubtful whether he was entitled to sit and vote that an Act of Indemnity should be passed to entitle him to sit; and this was done. This was a case exactly parallel, so far as the right of a man to sit in the House, was concerned.

Mr. BLAKE. Hear, hear. Mr. McCARTHY. Now, I venture to say, notwithstanding the "hear, hear" of the hon. member for West Durham, that, if we choose to-day to say that Dr. Robertson was elected, he would not dare to take his seat, judging from all we know of the facts. It is not for us to stultify ourselves, and declare by a resolution to-day that Dr. Robertson is entitled to the seat; and by another resolution to-morrow, on the ground that he is disqualified under this Act, to say that he must be expelled. It is not for us to do so; and remember that this is not a simple question of regularity. It is a question of positive disqualification which entitles this House, irrespective of any Election Court or any appeal to any legal tribunal, to say at any time when attention is drawn to a member sitting in the House, whether according to law he is entitled to his seat; I therefore ask the House to recall all the circumstances, and to say what should be done. We have the facts before us officially certified to by the returning officer; and if any doubt exists and I venture to say that every

hon. member must, if he be not a common partisan must entertain such a doubt as to the duties of a returning officer, then taking the authority which I venture to quote to the House—the only course and the only proper course is to send all the papers before the Committee on Privileges and Elections, and let that Committee deal with it. I observe that the hon. member for West Durham, in the habit of a special pleader, sought to fasten a narrow issue, and say that my hon. friend, the First Minister had not suggested that the Committee would so deal with it; but that the Committee was only to deal with one branch of it. The hon. member for West Durham felt the force of the observations which I am now making. He knew perfectly well that Dr. Robertson was not entitled—assuming the facts to be as represented—to a seat in this House; and knowing that, he endeavored to make it appear that the only matter the Committee would deal with was that one question of whether the motion in amendment was so; but the papers are here before us, and this House is seized of the facts. We have the return made by the returning officer, showing that the matter should be sent to the Committee to consider the whole subject, and deal with it according to law and the usages of Parliament."

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TIME TABLE NO. 19.

WINTER ARRANGEMENT.

TRAINS OUTWARD.

Table with columns: STATIONS, MIXED, MIXED, MIXED. Rows include Ch'town, Royalty, N. Wiltch's, Hunter R'r, Bradalbat, Coty Line, Freetown, Kensington, Summ's side, Miscouche, Wellington, Port Hill, O'Leary, Bloomfield, Alberton, Tignish, Royalty, York, Bedford, Mt. Stew't, Cardigan, Georgetown, Mt. Stew't, Morell, St. Peter's, Bear River, Souris.

TRAINS INWARD.

Table with columns: STATIONS, MIXED, MIXED, MIXED. Rows include Ch'town, Royalty, N. Wiltch's, Hunter R'r, Bradalbat, Coty Line, Freetown, Kensington, Summ's side, Miscouche, Wellington, Port Hill, O'Leary, Bloomfield, Alberton, Tignish, Royalty, York, Bedford, Mt. Stew't, Cardigan, Georgetown, Mt. Stew't, Morell, St. Peter's, Bear River, Souris.

L. E. ARCHIBALD, Superintendent. Railway Office, Charlottetown, Nov. 25, 1882.



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Table with columns: Assets 30th April, 1882, Income for the year, Income from interest, Claims by death and matured endowments, Div. as estimated by the Company's tables, Difference in Company's favor, Excess of interest revenue.

Abstract of Life Insurance in Canada for the Year 1881:

Table with columns: Premiums for year, Amount of Policies New, Number of Policies in force at date, Net Amount in force at date. Rows include Canada Life, Citizens, Confederation, Sun, North American, Life, Etna, Equitable, Union Mutual, Standard.

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