

The Daily Examiner.

CHARLOTTETOWN, PRINCE EDWARD ISLAND, TUESDAY, MARCH 20, 1883.

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NEW SERIES.

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AND GREAT GEORGE STREETS,
CHARLOTTETOWN, P. E. ISLAND.
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Advertising at most moderate rates.
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ment, on application.

ALMANAC FOR MARCH, 1883.

Sun	Moon	High	Days	
sets	rises	water	len'th.	
Monday	6 47	5 42	0 34	3 10
Tuesday	41	43	1 24	3 15
Wednesday	38	46	3 13	3 37
Thursday	36	47	3 58	3 6
Friday	34	49	4 37	3 58
Saturday	32	50	5 13	3 44
Sunday	30	52	5 46	3 29
Monday	28	54	6 18	3 8
Tuesday	26	55	6 59	3 11
Wednesday	24	56	7 24	3 15
Thursday	23	57	8 2	3 31
Friday	21	58	8 44	3 15
Saturday	19	6	9 32	2 4
Sunday	17	10	10 25	3 0
Monday	15	11	11 22	4 11
Tuesday	13	4	12 23	5 34
Wednesday	11	5	1 25	6 53
Thursday	9	7	2 23	7 54
Friday	7	8	3 28	9 2
Saturday	5	9	4 28	9 21
Sunday	3	11	5 29	9 57
Monday	1	12	6 28	10 29
Tuesday	59	13	7 20	11 6
Wednesday	57	15	8 28	11 32
Thursday	55	16	9 27	11 3
Friday	53	17	10 26	10 37
Saturday	51	19	11 22	11 14
Sunday	49	20	12 1	1 54
Monday	48	21	0 17	2 41
Tuesday	46	22	1 5	3 42

SULLIVAN & MACNEILL,
ATTORNEYS-AT-LAW
Solicitors in Chancery,
NOTARIES PUBLIC, &c.
OFFICES—O'Halloran's Building, Great
George Street, Charlottetown.
\$25 Money to Loan.
W. W. SULLIVAN, Q. C. | CHRISTIE B. MACNEILL,
JAN. 16, '83.

INSURANCE OFFICE.
Queen Insurance Company,
OF ENGLAND.
CAPITAL, TEN MILLION DOLLARS.
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CAPITAL, FIFTEEN MILLION DOLLARS
Insurance effected on all kinds of property
at current rates. Losses settled promptly
and equitably.
DESBRISAY & ANGUS,
General Agents,
Office—South Side Queen Square,
Charlottetown, Sept. 15, 1882.

NOW OPENED
NEW
Dining and Coffee Rooms,
Opposite Post Office, Charlottetown.
North Side of Queen Square,
B. BEDSTEDS, Chairs, Tables, Washstands, Sofas, Lounges, Parlor and Drawing Room
Furniture Mouldings.
Charlottetown, Jan. 2, 1883.—1y

THE STARR
KIDNEY PAD.
Indubitable Evidence,
(Condensed)
From Doctors, Druggists, Merchants
and Farmers.

Some of the additional home testimony received since publication of last pamphlet.
GIVING ENTIRE SATISFACTION.
Picton, April 20.
Gentlemen,—I find that your Pads are giving entire satisfaction, and wish you increase sales for so valuable a remedy for disease of the kidneys.
J. B. MORRIS, M. D.
OF SERVICE TO PATIENTS.
Lime Lake, April 23.
Gentlemen,—Your Pad has been of great service to some of my patients already.
J. B. MORRIS, M. D.
BRIGHT'S DISEASE CONQUERED.
Enterprise, April 13.
Gentlemen,—Five years ago I fell with a bag of grain, which caused weakness in my back, and also brought on an attack of Bright's disease, and which caused me to lose considerable in weight. After wearing your Pad for six weeks, I gained 13 pounds. All pain and weakness has left me. I would have been yet in the doctor's hands, had it not been for my using your Kidney Pad.
Signed, W. FENWICK, Miller.
THE ONLY PERMANENT CURE.
Tamworth, April 13.
Gentlemen,—I was troubled with painful back, and could not retain my urinal secretion, from painful inflammation of the bladder. I have been treated by a dozen physicians to no purpose, but have worn your Special Pad six weeks. The pain, swelling and inflammation are gone and I am well. Your Pad is the only cure for kidney disease.
J. A. FRASER, Manf. of Wooden Wares.
ALL PRAISE THEM HIGHLY.
Tamworth, April 13.
Gentlemen,—An accident 12 years ago wrenched my back. I could hardly walk, and never lifted anything. The Pad purchased from Mr. Jas. Aylsworth has nearly made me as strong as I ever was. I know of several being used, and all praise them highly.
JAS. SUMMERS.
Enterprise, April 13.
Gentlemen,—Your Pad is helping me wonderfully. My complaint is inflammation of the kidneys.
JOS. PIERCE.
Paces—Child's Pad, \$1.50. Regular Pad, \$2.00. Special Pad for Chronic Diseases, \$3.00.
JOHN KNIGHT, sole agent Georgetown.
J. A. GOURLIE, sole agent Summerside.
JOHN J. ARSENAULT, Tignish.

THE STARR KIDNEY PAD CO.
TORONTO, ONT. (de 15 wky)

A CURE GUARANTEED.
Magnetic Medicine!
Nerve Food
and
Nerve Tonic
For Old and Young, Male and Female.
Positively cures Nervousness in ALL its stages
Weak Memory, Loss of Brain Power, Sexual
Debility, Night Sweats, Supremacy, Leucorrhoea,
Bergmann's, Senial Weakness, and General Loss
of Power. It repairs Nervous Waste, Refreshes
the Jaded Intellect, Strengthens the Enfeebled
Brain and Restores Surprising Tone and Vigor to the
Exhausted Generative Organs in either sex. With
each order for twelve packages, accompanied with five
dollars, we will send our Written Guarantee to refund
the money if the treatment does not effect a cure. It is
the Cheapest and Best Medicine in the Market.
Full particulars in our pamphlet, which we
desire to mail free to any address.
Mack's Magnetic Medicine is sold by Drug
gists at 50 cts. per box, or 6 boxes for \$2.50, or by
mail free of postage, on receipt of the money, by
advertisment.

MACK'S MAGNETIC MEDICINE CO.,
Windsor, Ont., Canada
Sole in Charlottetown by Apothecaries, Hays Co.,
Agents for Prince Edward Island, and by all Druggists
everywhere.

PARSONS' PURGATIVE PILLS
MAKE NEW RICH BLOOD.
And will completely change the blood in the entire system in three months. Any person who will take 1 Pill each night from 1 to 12 weeks, may be restored to sound health, if such a thing be possible. For curing Female Complaints these Pills have no equal. Physicians use them in their practice. Sold everywhere, or sent by mail for eight letter-stamps. Send for circular. I. S. JOHNSON & CO., BOSTON, MASS.

DIPHTHERIA
JOHNSON'S ANODYNE LINIMENT
An English Veterinary Surgeon and Chemist, now traveling in this country, says that most of the Horse and Cattle Powders sold here are worthless trash. He says that Sheridan's Condition Powders are absolutely pure and immensely valuable. Neither on earth will make hens lay like Sheridan's Condition Powders. These 100 pills will cure 1 pint food. Sold everywhere, or sent by mail for 8 letter-stamps. I. S. JOHNSON & CO., BOSTON, MASS.

FURNITURE, FURNITURE,
AT COST.
Opposite Post Office, Charlottetown.

JOHN NEWSON.
Charlottetown, Jan. 2, 1883.—1y

CHEAPEST, SAFEST, SIMPLEST
LIFE INSURANCE
IN THE WORLD.

The Dominion Safety Fund Life Association
OF ST. JOHN, N. B.
\$50,000 Deposit with the Dominion Government. Working under Government License.
An Assessment Company with a Safety Fund. Life Insurance at its actual cost.
Good Canvassers Wanted.
LEONARD MORRIS,
General Agent for P. E. Island.
Summerside, Oct. 28, 1882.—1y

TO LET,
The Business Premises Known as
"83 Queen Street,"
Lately in the Occupation of R. W. Tremaine.
The Stock on hand is now selling at COST and CHARGES, will be cleared off at AUCTION about the middle of January, of which due notice will be given.
JAS. DESBRISAY.
Charlottetown, Dec. 29, 1882.—1y

THE EXAMINER
JOB PRINTING OFFICE
HAS LATELY BEEN REPLENISHED WITH
A Large Supply of Printing Types and Material
OF THE LATEST INVENTION AND BEST DESCRIPTION,
AND WE ARE NOW PREPARED,
Under the Careful and Skilful Supervision of Mr. J. W. Mitchell,
TO PRINT
BILL HEADS, LETTER HEADS,
BLANK CHEQUES, RECEIPTS,
NOTES OF HAND, POSTERS,
HAND BILLS, DODGERS, &c., &c.,
On Short Notice, in Good Style, at Cheap Prices.

King's County Election Case.
A Clear Exposition of the
Facts and the Law.
DALTON MCCARTHY'S SPEECH
FROM HANSARD.

MR. MCCARTHY.—I propose to call the attention of the House to the facts of this case which the personal assault made by the leader of the Opposition on my right hon. friend the First Minister has somewhat diverted us from. Now, Sir, the question is not whether we are to refuse to send Dr. Robertson and to alter this return, as moved for by the hon. member for West Huron, by declaring that Dr. Robertson's name should be inserted and that he should take the seat—the question is whether that is the proper course to take, or whether it is proper under all the circumstances of the case, to send this matter to the Committee on Privileges and Elections? A great deal, therefore, of the thunder from the other side is altogether wide of the mark. If we were here refusing to acknowledge the right of the electors, refusing to obey their choice, I could well understand this indignation, but to my mind, has been altogether uncalculated for and is altogether out of place upon the simple proposition in amendment which is now before the Chair. We are asked to say whether under all the circumstances of this matter—not the hearsay statements, but the papers brought down by the Clerk of the Crown in Chancery was presented to the House—whether under these circumstances we ought now to carry out the motion made by the hon. member for West Huron, or whether we ought to send the papers to the Committee appointed for that purpose who are charged with the privileges of this House, and whose duty it is to guard and protect those privileges. Now, Sir, what are the facts. I am not speaking of hearsay—but what are the facts? The facts which appear before us are these: That Dr. Robertson was elected—I am reading now from a return presented to the House.

That Dr. Robertson was elected a member of the Local Legislature of the Province of Prince Edward Island, and was returned by Sheriff McCormack upon the 8th of May, 1882; that on the 13th of June the same gentleman was nominated as a candidate for the same district, and for a district, including the same, as for this House; that upon the 25th of June the Lieutenant-Governor of Prince Edward Island certified that he has not received from James E. Robertson, returned a member of the House of Assembly of Prince Edward Island for a fourth electoral district of King's County, nor from any other person on his behalf, any resignation of the seat of the said James E. Robertson as a member of the House of Assembly; nor have I received any notice of said resignation from the said James E. Robertson, nor from any member or members of the said House of Assembly, nor from any other person whatsoever, on behalf of the said James E. Robertson.

We have it perfectly clear that Dr. Robertson was elected to the Local House. We have it equally clear—not merely as the hon. member for Queen's County stated, on the 15th of June, but as the Assistant Provincial Secretary that Dr. Robertson was returned. We have the solemn statement made by the Lieutenant-Governor of the Province that Dr. Robertson had not resigned. I think it is plain, therefore, that at that time Dr. Robertson was a member of the Local Legislature of the Province of Prince Edward Island. Now, what does the law, passed in 1873, say about cases like this?

"After the dissolution of the present Parliament of Canada, no person who is a member of any Legislative Council or any Legislative Assembly of any Province now included, or which may hereafter be included, within the Dominion of Canada, shall be eligible as a member of the House of Commons, or shall be capable of sitting or voting in the same; and if any one so declared ineligible, is nevertheless, elected and returned as a member of the House of Commons, his election shall be null and void."

The third section of the same Act says: "If any person is made by this Act ineligible as a member of the House of Commons, or incapable of sitting and voting therein, does, nevertheless, so sit or vote, he shall forfeit the sum of two thousand dollars for every day he sits or votes."
Therefore it is not simply a question whether Dr. Robertson, who appears to have had the majority of the votes, ought have been returned by the returning officer. Rightly or wrongly we are now seized of the facts of the case, facts which are indisputable.

Some hon. members. No.
MR. MCCARTHY.—Can it be doubted that Dr. Robertson is a member of the Local House? Why, even the hon. members who have spoken on the other side do not pretend that he is not so.
MR. CASGRAIN.—He has resigned.
MR. MCCARTHY.—Resigned? But when? He resigned since his nomination for this House.

MR. CASGRAIN.—How do you know that? MR. MCCARTHY.—I say, upon the evidence here, that I have the right to assume that. I have a statement from the Lieutenant-Governor that on the 26th June he had not resigned. I will read it again:
"I hereby certify that I have not received Mr. James E. Robertson's resignation."

An hon. member.—He had not resigned.
MR. MCCARTHY.—He left his resignation in such a position that if he was elected to this House it was to stand good; but if he was not elected to this House the resignation was to be null. I have no doubt from what I hear—not from what I know—that the intention of Dr. Robertson was to put his resignation in such a position that he was to continue to be a member of the Local House if he failed in the present election, but if he succeeded in this contest

then he would claim the right to sit in this House, and the law says he shall not do so. Now, what are we to do with this motion? We are asked to declare that he has a right to take his seat in this House as a member. Who has a right to take his seat in the House?
MR. MACKENZIE.—The man who had the most votes.
MR. MCCARTHY.—The man who according to the law passed at the instance of the hon. gentleman opposite, who did not like dual representation and who desired to deprive the people of a free choice as to who they should send to both Houses, the man who, according to that law, has no right to sit and vote here, and whose election was declared by the Statute to be null and void. If he were sitting in the House to-day we would have to rise in our places to draw attention to it and the matter would have to be sent to the Committee on Privileges and Elections, just as in the days of the good Reform party—the Party of Justice—when the House was full of contractors, and when we occupied a considerable portion of our time in dealing with their business. I therefore, say, that no matter what may have been the duty of the returning officer, we are now in this position that we have facts before us that the person who was returned is disqualified and could not take his seat. But we are asked to say that he shall take his seat, though the very next moment any hon. member could rise in his place and draw attention to the fact that he was disqualified, and the matter would have to be sent to the Committee on Privileges and Elections. Surely the course suggested by the amendment is the proper one, that the matter should now be dealt with before we satisfy ourselves by declaring that this gentleman is entitled to take his seat, when the law says he shall not sit in this House. A great deal has been said regarding the duty of the returning officer, and I desire to speak with caution upon that subject. I do not pretend to be as wise as the hon. gentleman opposite who *ex cathedra* can at once tell what the law is and what it should be. I mean to say that since the Statute of 1874 was passed, so far as I know, there has been no decision given with respect to the changes made by that Statute; and I hold that before the Act of 1874 was enacted it was perfectly plain that the returning officer was not merely a Ministerial but a judicial officer; that he had certain Ministerial duties to perform and certain judicial duties to perform. It may be—and I hesitate to express any opinion upon it—that the effect of the legislation of 1874 is to have made him simply an executive or Ministerial officer. I am not prepared to say it may not be so; but what I am asking the House now to do, now when censure is talked of with respect to the returning officer, is to remember the position in which he is placed as the law stands and as the law appears to be according to the best authorities. As the hon. the First Minister has shown; there is in our Statute a declaration that if a returning officer refuses to return a man who afterwards is declared by the Election Court to be entitled to his seat, he shall be subject to a penalty of \$500. Now, the returning officer is placed in this dilemma; it is brought to his notice, he knows himself as returning officer, and at all events it is ascertained by him by the highest possible species of evidence, that this gentleman is disqualified. Then the penal enactment of the Statute is pointed out to him. What is he to do? If he took upon himself to decide judicially, that Dr. Robertson ought not to be returned, he might, perhaps, be open to censure; but under the difficult circumstances he decides: "I will report the matter to the House. I will make a double return, and not say that a man whom the law says is disqualified is entitled to the seat; and at the same time I will not say that a man who has merely a minority of votes is entitled to the seat. That is a matter beyond me; but these facts, brought to my knowledge, I will report to the House, and the House will be prepared to deal with the case as the law of Parliament requires." That has been done. We have the double return; both gentlemen have taken the oath.

MR. MACKENZIE.—There is no double return.
MR. MCCARTHY.—Pardon me. Although I have great respect for the hon. gentleman's law, I must have a little respect for my own notions, and I venture to say it is a double return. The proof of it is that both gentlemen have signed the roll and both have taken the oath, and both could come into the House and vote. A special return is quite apart from that and that is that the returning officer could not say that one or the other candidate was entitled to the seat; the distinction is very plain between that case and this, which, according to my view of the law, is a double return. That being so, let us see what the best writers say. We have not all the superior wisdom of hon. gentlemen opposite, but we may perhaps look ourselves, and see what, according to the authorities, the duty of the returning officer was. Referring to the penalty clause Mr. Rogers' work on Elections, a very late edition, says this, at page 338:

"It would seem from the above cases, that the returning officer is not subject to any liability, as far as Parliament is concerned, if he returned a disqualified person; nor, on the other hand, could he well be censured for exercising his judgment as to the eligibility of a candidate; and returning the person whom the judges ultimately decide to be entitled to the seat for in most of the cases in which a disqualified person has been returned, the form of the resolution of an Election Committee has been that the petitioner ought to be returned. Indeed the sole consideration with committees has been, whether the returning officer has shown any improper animus. (Ipswich K. and O. 379.) And accordingly, if it were not for a Statute to be presently noticed, the conclusion would be that the returning officer is safe, so far as the House of Commons is concerned, whether he decided or refused to decide on the qualification of a candidate, provided he acted *bona fide*; but that

(Continued on fourth page.)