

petition shall be deemed a separate petition against each respondent." There is no doubt for what object this security is required. Section 26 tells us that at the presentation of the petition, the petitioner shall give security for the payment of all costs—1st, to any person assigned as a witness on his behalf; 2nd, to the member whose election or return is called in question; 3rd, to the returning, or deputy returning officer, if their conduct is complained of; 4th, to the candidate not elected whose conduct is complained of.

Section 27 says that the security shall be \$1,000; and in the present case such security has been duly given. It is clear, therefore, that if Mr. Bousquet has been made a respondent in this case, within the meaning of the law, he has an interest in the amount of the security that may be given; and also that if his conduct is complained of, within the meaning of the law, in the petition, he is to be deemed a respondent. It is, perhaps, not equally clear, although the language used is that the amount of the security is to be \$1,000, and for all costs that may be incurred to any of the persons named (of whom the deputy returning officer is one, if he is complained of) whether there is any provision for making the security larger, except by sections 98 and 99, where it can be so ordered in case of the withdrawal of the original petitioners and the substitution of others. I expressly decline to give any opinion upon that point, however, for reasons which I will presently state. I only observe that the 26th and 27th sections may mean that the security is to be given at the time of the presentation of the petition, and that such security has been actually given; and that by the express terms of the section it is security for the payment of all costs to four classes of persons there named, and the third on the list of these persons is the deputy returning officer, if his conduct is complained of. But in reality is his conduct complained of? He may be deemed to be a respondent, no doubt, and if it is complained of in the sense of the law, he may actually be a respondent; but is his conduct so complained of here? We have seen that there is nothing asked for by the petition as against him. What is he to respond to? Surely not to the mere recital or mention of his name as having failed to observe the due formalities about the ballots, without

even alleging anything wilfully unlawful, or taking any conclusion against him. Accordingly we find that though the petition has been served upon him, he has failed to appear. He does not even come here to ask for anything. Can Mr. Bernard, who alone has appeared and made this objection, ask anything for anybody but himself? I hold that if the deputy returning officer is not made a party by something being asked for against him which he has an interest to answer, he is not before the Court. To be "complained of," in the sense of the law, can only mean a complaint from which a legal consequence will follow on being prayed for, as in ordinary proceedings. There is no *demande* here against him, or against any of the other deputy returning officers. It is not alleged against any of them that they did anything wilfully or corruptly, or for which any penalty is, or could be, asked. It is only said as a thing which affects the candidate alone, that these informalities occurred; and that, I suppose, is the reason why there is no regular complaint against the deputy returning officers; and by such a complaint I understand an available complaint carrying a legal consequence which could be concluded for, and granted or refused by the Court.

If in an ordinary case half a dozen persons are sued by a plaintiff not residing here, it is, of course, conceivable that each might have a separate defence, and a separate right to security; and it would be undeniable that each was to be deemed a defendant, whether he appeared or not, and that for all the purposes of the security there would be as many demands as there would be defendants; but none of them could get security without appearing and asking for it. It is not every defendant nor every respondent, therefore, who is entitled to security, but only those who appear and ask for it. The only respondent here who has appeared is the candidate returned, Mr. Bernard. What he is entitled to ask for must be measured by his interest. There is clearly only one petition before the Court, unless there are several respondents in a position to ask that it be considered as several petitions; and as regards the only respondent before the Court, the security required by law has been given; and as there is no other respondent before the Court who is in a position to ask for further security, and the present respondent's security cannot therefore