

Proceedings are accurate, and is willing to be bound by them as accurate, I am willing to withdraw the question; but I want to have no escape from this point—that the minority candidate was returned by this man with the knowledge of what he was doing at the time.

Mr. THOMPSON. I wish to suggest to the hon. member for East Hastings that his purpose would be much better served by putting the documents in the hands of the witness and asking him to admit their correctness. I think that should be done in any case.

Mr. BURDETT. I am not going to press the question to a vote, because I know the result of it. If the Ministers will not submit the question I will withdraw it.

Mr. DAVIES. I propose this question: "Why did you return the minority candidate Baird instead of the majority candidate King?"

Motion agreed to.

Mr. DUNN. I returned the minority candidate Baird instead of the majority candidate King, because after hearing the arguments that had been advanced before me on declaration day, both *pro* and *con*, I considered that Mr. King had not been properly nominated, and, therefore, could not be returned by me as the man having the majority of the legal votes; and afterwards, before I made my return, I consulted counsel, Mr. McLeod, and the counsel advised me to make the return that I did.

Mr. WELDON (St. John). I propose this question: "Was it under the advice of Mr. E. McLeod, that you returned Mr. George F. Baird as the member elected by acclamation? Was such advice in writing, and when received by you?"

Motion agreed to.

Mr. DUNN. It was under the advice of Mr. E. McLeod that I returned Mr. Geo. F. Baird as member-elect by acclamation. The said advice was both verbal and in writing. I am not in a position to say exactly when it was given. It was received by me prior to the time that the return was sent and made.

Mr. THOMPSON. Are there any further questions to be asked by the hon. gentlemen opposite?

Mr. WELDON (St. John). I have no further question.

Mr. THOMPSON. An opportunity ought to be given to Mr. Dunn to make any statement, if he has any statement to make.

Mr. LANDRY. I would like to submit one question: "Did you on nomination day, before two o'clock in the afternoon, advise Mr. King, or any one for him, to have a legally appointed agent?"

Mr. DAVIES. Same objection applies to that question which was successfully raised by the Minister of Justice to a question put by my hon. friend behind me. The facts are all stated in the return.

Mr. TUPPER. He says in the return:

"On my calling the attention of Mr. Wetmore to the fact that no election agent had been appointed by Mr. King, I was handed the appointment of John McLean McLean as election agent for Mr. King."

That is not an answer to the present question.

Mr. WELDON (St. John). He states that he did call attention to the fact that no election agent had been appointed by Mr. King.

Mr. McCARTHY. That is only advising him.

Mr. WELDON (St. John). The question has been put in the hands of the witness. I find he says:

"On February 15th, at 12 o'clock, I opened court for the nomination of candidates for the House of Commons of Canada. T. Medley Wetmore, Mr. BURDETT.

more handed me the nomination papers of George G. King, of Chipman, Queen's county, New Brunswick, merchant, accompanied by the sum of \$200."

That clearly must have been before two o'clock.

"On my calling the attention of Mr. Wetmore to the fact that no election agent had been appointed by Mr. King, I was handed the appointment of John McLean McLean as election agent for Mr. King. At two o'clock I granted a poll and announced the names of the candidates."

It seems to me, in view of the argument of the Minister of Justice, in reference to the motion of my hon. friend from Hastings, that we have it there very clearly that the nomination paper was put in, that the returning officer called attention to the fact that no agent had been appointed, and that at two o'clock he granted the poll. We have the statement here of the superior evidence, according to what the Prime Minister said, and now the hon. gentleman is asking for the inferior evidence.

Mr. THOMPSON. I should say, on reading the papers, that the inference was what the hon. gentleman suggests. The question is designed to ascertain the fact, so that it should not be left to inference.

Mr. BURDETT. My question was to get an answer as to facts, and not to leave it to inference.

Mr. THOMPSON. In that case the documents showed the fact without leaving any inference at all.

Mr. MILLS (Bothwell). So it is in this case.

Motion agreed to.

Mr. DUNN. On nomination day, before 3 o'clock in the afternoon, I did advise Mr. Wetmore to advise Mr. King to appoint an election agent, as I believed that Mr. King was rendering himself at that time liable to the penalty of a misdemeanor by not appointing him, by not appointing one.

Mr. AMYOT. At what time?

Mr. DUNN. I say it was before 2 o'clock.

Mr. LANDRY. I propose that this question be put to the witness: "Did you know on nomination day that the law required candidates to appoint agents and to notify you of the fact before 2 o'clock, and did you then know or had you considered the legal effect of the deposit being made by anyone on behalf of the candidate outside of the regularly appointed agent?"

Mr. MILLS (Bothwell). I think the latter part of that question is objectionable, because the hon. gentleman may draw wholly different conclusions as to what the legal effect of a certain act may be from the conclusions which I would draw, or those which the witness might draw. The hon. gentleman should confine himself to questions of fact. I do not think the latter part of the question should be put.

Mr. WELDON (St. John). It is not a question as to fact, but it is a question as to the legal effect. It is assuming a legal effect, which is a matter of law to be discussed.

Motion agreed to.

Mr. DUNN. I knew on nomination day that the law required candidates to appoint agents and to notify me of the fact before 2 o'clock; but I did not then know that the non-appointment of such an agent or the payment of a deposit by a person not an agent would have the effect I afterwards judged it would have upon the nomination paper.

Mr. LANDRY. If there be no other questions to ask the gentleman, and if I am in order, I would move that Mr. John R. Dunn be discharged from further attendance on this House.

Motion agreed to.