

fore the returning officers cannot be paid the sum of \$300, which they ought to be paid, because the law is wrong. Now, if that is the case, the hon. gentleman should have introduced a Statute to correct the error, and make it large enough to embrace what in his view—and he can obtain the consent of Parliament to that view—are the legitimate expenses of the returning officers. But it is not because there has been an error in the law which can be amended or altered, that we should be asked to pass a special vote of this character. The hon. gentleman has mentioned one item as to which, of course, we cannot usefully engage in a discussion without any notice, without having had an opportunity of looking into it—an item of \$300, but there are \$1,700 more.

Mr. CHAPLEAU. No; the copying would be \$900.

Mr. BLAKE. The hon. gentleman says they are extra services; that they are within the disposition of the law; but if they are within the disposition of the law, they should be paid without a vote, and if they are beyond the law, the Auditor-General will have no control whatever. It will be at the determination of the Executive who shall be paid, and what they shall be paid, within the limits of the \$2,000, and that is in my opinion very objectionable. I think, on reflection, the Administration will see that what they ought to do is to make the law conformable to what they think it should be, and then there will be no necessity for the vote.

Mr. CHAPLEAU. I did not know that this item would come up, or I would have given an opinion which I think the hon. gentleman would respect; that is, the opinion of the ex-Minister of Justice, the hon. Mr. Laflamme, who has explained the subject better than I can. I think, however, that perhaps the item had better be suspended, and it will be shown that the Auditor-General was, perhaps, a little strict in his interpretation of the law. I may say, also, that the Auditor himself recommended that this vote should be asked from Parliament, to remove doubts, if there were any.

Mr. BLAKE. I maintain that it is of the last consequence that the general Statute Law should prescribe what are the classes of services for which returning officers are to be paid, and it is the introduction of a vicious system to propose extra votes for special services. We know that all sorts of demands are made by returning officers after elections, and that the audit of these claims has been a sort of special science; and to pass a special vote of Parliament for extra services, not warranted by the Statute, will inflict a great deal of inconvenience and difficulty in the future. If it be true that there is some error in the law, by which the real intention of the Legislature has been thwarted, there can be no objection to the passage of a Bill to make the general law right in the future. There will be less objection to dealing with any number of returning officers in the spirit of that legislation which Parliament shall have sanctioned as the true meaning and proper effect of the law for the future. I hope the vote will be suspended, and that if there is any doubt in the law, a short Bill will be introduced to make the matter right.

Mr. CHAPLEAU. Will the hon. gentleman allow the next item to be called.

Mr. BLAKE. Certainly.

Mr. CHAPLEAU. The case is this. In the last election in the county of Vaudreuil there were several candidates—at least three. On the nomination day, I think immediately after the nomination, by the interposition of mutual friends, one of the candidates was induced to withdraw, before any expenditure was incurred, more than the necessary expenditure for the two candidates who remained. The candidate retiring held that the interpretation of the law was—not as I do, though I would not give myself as an authority—that

Mr. BLAKE.

a candidate who retires withdraws his nomination papers, and with it the deposit he made with the returning officer. Of course, the object of the law is to prevent the unnecessary expenditure of money by the people for polls and for the preparation of papers for the election. In the present case, as the election was contested, there was no extra expenditure incurred by the returning officer, and no extra trouble caused to the people of the county in which the election took place, on account of the candidate who retired. Under these circumstances, the candidate requested from the returning officer the withdrawal of the deposit of \$200; and the returning officer, knowing that his nomination had not added to the expenditure, and that his resignation left things exactly as they were, so far as expenditure was concerned, thought proper, before handing over the deposit, to solicit the opinion of the officer who sent him the writs; and the Clerk of the Crown in Chancery, having been asked his advice, declined to give it. The returning officer immediately afterwards applied to the next best man to whom he thought he could apply; he applied to the then Secretary of State, and the then Secretary of State, my predecessor in office, sent him an answer, both by telegram and by letter, telling him that according to law he was right in reimbursing the retiring candidate his deposit of \$200, as no extra expenditure had been incurred on his account. I do not want to give an opinion, as I do not claim to be an authority on this subject; but I say that the returning officer, in applying to Parliament for this amount, is coming to the proper place. The Auditor-General, I dare say, advised by the Law Officers of the Crown, having decided that in strict law the returning officer should not have returned the deposit to the candidate, he comes and, by petition to Parliament, says he has acted in perfect good faith. Of course, the personality of the returning officer has nothing to do with the matter; but I think the peculiar position he occupies, and his good faith, as shown by his whole action in the matter, at least entitles him to the good will of Parliament.

Mr. BLAKE. The short and the long of the matter is, that before the returning officer returned the deposit, he consulted the late Secretary of State, and the late Secretary of State communicated to him that he would be right in point of law in returning it.

Mr. CHAPLEAU. He was both telegraphed and written to that he would be right in returning it.

Mr. BLAKE. The Secretary of State was not then a judge, I believe?

Mr. CHAPLEAU. A practising judge.

Mr. BLAKE. I observe that his successor is more cautious than he was in expressing an opinion. I have not looked at the Statute, but my recollection is that it makes no provision, and I do not see how there could be a provision for returning the deposit. I never was a very great friend to the deposit, but the system must be worked alike for all; and it is important that no action of Parliament should take place which should throw doubt upon this question. If it is intended by this vote to decide that third candidates may have their deposits returned, we had better know it; for, after the hon. gentleman shall have succeeded to some higher position, we might have a recurrence of a Secretary of State giving the advice which has been given on this occasion. After the statement of the hon. gentleman, I can see that the returning officer is, in a partial sense, exonerated from an improper proceeding, though I do not think the Secretary of State should have advised him. It is a very improper thing for Ministers to give advice to returning officers, on any subject whatever. The returning officer ought to have obtained independent advice, which it is impossible that the advice of a Minister could be, under such circumstances. While I felt it my duty to make these ob-