hon. gentleman whether, if he could have done so on nomination day, if it had been legal and had given a proper interpretation of the statute, to have decided that Mr. King was not properly in nomination before him because the deposit had not been made by the proper agent, would his failure to do so, because the question did not arise then, make Mr. King a legally nominated candidate? If Mr. King on nomination day at two o'clock was not properly in nomination, was not legally a candidate under the law, would the fact of no question being asked, no decision having been asked for, or arrived at by the returning officer, make Mr. King's nomination valid one day or two days or a week afterwards. I am very doubtful about it. There is no doubt irregularities can be cured by no objections being taken and new proceedings being had. But these might be simple irregularities or technical objections that would not be as strong as what actually occurred. Here is a statutory provision that must be followed to the letter in order to make the nomination valid, and if this was not followed, if one important particular is left out and the nomination is not legal on nomination day, no action on the part of the returning officer on that day or subsequently can make that nomination legal. The fact of the question not having been raised on nomination day, goes to show the *bonâ fide* of his decision, the sincerity of his decision. The irregularity was not brought to his attention, and not having been brought to his attention, he might not have had the law at his fingers' ends, and therefore this may not have occurred to him at all, and he granted the ballot in the usual way. If, on nomination day, however, the question had arisen, and he had given his decision differently to what he gave it on declaration day, then his motives might have been questioned but the question was not raised on nomination at all; he was not asked to decide.

Mr. AMYOT. He raised it himself.

Mr. LANDRY. Not as to the deposit.

Mr. AMYOT. There was no agent appointed.

Mr. LANDRY. I must have misinterpreted the returns, if my hon. friend is right. He says that he raised the question himself. What interest had the returning officer to raise the question on that day, that there was no agent appointed, beyond his desire to see regularity in the proceedings? But he did not raise the question of deposit. He said there was no agent, and I did not understand the returning officer to say that he told Mr. King that in consequence the deposit was not valid. Therefore I say that the point as to whether the deposit was valid, not having been raised, he having given no decision upon it—unless the fact of his holding the deposit be taken as a decision—it shows that he acted in *bonâ fides*.

Mr. MILLS. He gave a receipt.

Mr. LANDRY. He gave a receipt for the deposit, it is true, but no question was asked him, and he was not there as a judge. If he were the proper tribunal to decide it, he was not, as a judge, called upon to give that decision. The parties were represented there. One was represented by an attorney and the other by an agent; the parties were there themselves, and that question was not raised, and he was not called upon to give a decision himself, he was not called upon to look after the technicalities that might arise and give a judicial decision on that point, with the question being raised for his decision. But it came before him on declaration day, and for the first time—at that time, I think, as a judge, as an officer on whom the duty devolved to give a decision. I think that was the time for him to have given a decision, and it may have been much more convenient for him to have done so on nomination day had he been asked to do so. I think he was prepared to give his decision on declaration day, when the question was put as to whether the gentleman was properly nominated, and he gave it to the best of his judgment under the law, and he considered that Mr. King was not properly nominated, and consequently there was only one candidate in the field, and he returned him by acclamation. Well, it appears to me that the difficulties are all in a nutshell as the case stands. He did not give his decision on nomination day, because he was not asked to do so; because the point was not raised; because no party interested had taken the point before him, and therefore the matter went on until declaration, and then he gave his decision and gave it according to his interpretation of the law, and according to the way it is interpreted by very many people who have looked into it. For I do not say myself, I am not prepared to say what course I would have taken upon that question; I am not prepared to say whether he was wrong, but I do say that there was a great deal to contend for on the side he has taken. Well, if that be the case, where is the proper tribunal to decide this as it now stands? If there be a point in this case, if there be something to argue upon at all, where is the proper tribunal to decide this point to-day, and to say whether he was right or wrong? I do not think we are. The hon. gentleman who has preceded me has laid great stress upon the fact that many cases had been decided by Parliament and by legislators almost similar to this. He laid great stress upon the fact that under an Act, I think he said, not of this Parliament, but of the Parliament of Canada as it existed before Confederation, there was a tribunal to try these election petitions, and that the House had taken cognisance of cases similar to this, notwithstanding this tribunal. But, Sir, it appears to me that the hon. gentleman had forgotten, or I am much mistaken in what that law contains; no doubt he is much more familiar with it than I would be, because I have not studied closely the Acts of the Parliament of Canada previous to Confederation—but I think he will search a long time before he will find in that Act a provision similar to the one in our statute concerning controverted elections, and it is this: section 63 of chap. 10, Controverted Elections Act, reads thus:

"All elections held after the passing of this Act shall be subject to the provisions thereof and shall not be questioned otherwise than in accordance therewith."

Now, if there were no such section in the law, then I could easily see why, although the law pointed out and authorised such a tribunal to hear such petitions, that did not deprive Parliament of the authority it possessed to consider those matters and decide them. But when we have a provision in the law so explicit as exists in this provision, it should make us pause at any rate before we take the case into our own hands instead of sending it to the proper tribunal; that is, the tribunal in accordance with the Controverted Elections Act. We have that Act to-day. The election for the local district of Queen's county is controverted. If this Act means anything, the election ought to be questioned and controverted under and subject to the provisions of this Act; that is before the proper tribunal and not before this Parliament. And it seems to me there are very strong grounds, when we have a competent tribunal with proper authority and jurisdiction before which to try these cases, for holding the opinion, that they should not come before Parliament for trial and for decision by a vote. There was much reason before the passing of the Act why Parliament should do so. It was the only tribunal to try such cases, except the tribunal referred to by the hon. gentleman who preceded me, but that tribunal consisted of a committee of the House, and therefore was not so competent to deal with cases as are the election courts as now constituted. At all events, it was evidently thought so by the passing of the Act of 1874, by which we provided for election courts. So we have a legal tribunal which