

yet, when they come to understand the situation as it is, a great deal of the popularity must be taken away from that side of the question. In the observations I shall make to you, I do not pretend to say that I myself have arrived at a positive or definite conclusion in my opinions as to whether the returning officer was right or wrong in his decision, but I will endeavor to show, and I hope to be able to show, that there is stronger ground for the decision that he gave than seems to be admitted by hon. gentlemen on the opposite side of the House. This I will undertake to assert, that the returning officer, in deciding in the way in which he did, in making the return he did make, did it *bona fide* and believing that he was discharging his duty to the best of his knowledge and ability, under the laws of the country and under the election laws as they existed. I believe that sincerely. I believe that he did it after thorough consideration of the subject himself, after receiving such advice as he had confidence in, and that he then decided to the best of his judgment and ability and not through any partisan spirit. If that be the case, it seems to me that it is entirely unjust to pass upon the returning officer the condemnation that I have heard passed upon him outside of this House, and I think also inside of this House when the matter was first broached, although I must admit that this evening the discussion has been quite free from anything of that kind. The hon. gentleman who has preceded me has endeavored to show that the argument of the hon. member for Pictou (Mr. Tupper) was entirely void of foundation, when he spoke of the law requiring the deposit to be made by the agent appointed by the candidate; and he cited the statutes to that end, and seemed to have convinced himself, whether he convinced the rest of the House or not, that what he had affirmed as to the argument of the hon. member for Pictou was correct. I say there is a great deal to justify the conclusion that this deposit was intended to have been made by the agent of the candidate, and that it was intended, in order that the nomination might be valid, that it should be so made by him. Before going any further, I will refer to the law as I interpret it, not that I have made up my mind whether it is right or wrong, but to show in regard to this question that there is a great deal of foundation for strong argument on the side to which the returning officer has inclined and on which he has given his decision. The hon. gentleman has told us that in the law referring directly to the nomination of candidates there is no reference whatever to the person by whom the deposit shall be made, that the agent himself is not mentioned, and that he is mentioned only in some subsequent sections of the law, and has no connection with this. The hon. gentleman may be correct as to the sections of the law in which the agent is named, but, while that may be true, I do not think he can lose sight of section 121 of chapter 9 of 37 Vic, which I think was in existence at the time the elections were had, because I think it was before the Revised Statutes were in force, and I think the sections are the same, though they are not numbered the same. It reads:

"No payment (except in respect of the personal expenses of a candidate), and no advance, loan or deposit shall be made by or on behalf of any candidate at any election."

I ask hon. gentlemen who wish to consider this subject and the law which bears upon it, to ask themselves what was meant by the word "deposit." To what did that refer? I do not think my hon. friend, with all his legal knowledge and ability, attempted to show what the word "deposit" meant. I think he left the House in the dark as to what he thought it meant. We find the word "deposit" in the Act before, and we find that it has but one meaning, the deposit which is to accompany the papers when the candidate is nominated. It refers to that and to that only. So, when we find the same word in the same Act, it is a natural deduction that it refers to the same deposit, unless it refers

to something else so clearly that we cannot be mistaken. I ask the hon. gentleman and those who agree with him to tell the House what that word "deposit" is really there for, that no one shall make this deposit except it be the authorised agent of the candidate. If they can convince me that it is not that deposit required with the nomination papers, then I admit that one of the grounds on which the returning officer made his decision would be taken away from him. But are there any other grounds to show that what was meant was the same deposit which is made with the papers? I say there are, and I think I can point to them to show that these reasons apply to this section as well as to the preceding one. The hon. gentleman told us that this referred particularly to election expenses, that it must have some particular meaning in relation to election expenses, and that it never meant anything else. I will call the hon. gentleman's attention to the Act of 1874, because we have to refer to this Act to see the meaning of the word "deposit," and I will read section 19 of that Act, in which the hon. gentleman will find this language. After it refers to the deposit, which then was only \$50 and has been since changed to \$200, it uses this language:

"The sum so paid shall be applied by the returning officer towards the payment of election expenses."

So we find that precisely the same language "election expenses" is used, as is used in section 121 of the same Act. Therefore if it be used there as election expenses it is not, it seems to me, straining the meaning of it when we read the two sections together and say that they have, or may have, the same meaning. It is true that that part of that section was repealed in 1882.

Mr. EDGAR. Did my hon. friend ever know of any body putting that \$200 in his election expenses under the Act?

Mr. LANDRY. I do not know that I ever heard of anybody doing that, but I think that somebody may reasonably put it in his expenses. Under the Statute of 1874, before that portion was repealed in 1882; and those to-day who do not get half of the number of votes polled by their opponent, I think could reasonably put it in as election expenses. Of course they get it back again under the law as it exists to-day; if they poll more than half the votes of successful candidates they get back the \$200, in which case it does not go towards the election expenses; but in case they do not poll more than half the votes they forfeit the \$200 which then goes towards election expenses, just the same as from 1874 to 1882 the \$50 went towards the election expenses, no matter what number of votes the candidate received. Therefore when my hon. friend seemed to treat as trivial the argument used by the hon. member for Pictou (Mr. Tupper) on this question of the deposits, it appears to me that he did not grasp the idea that the hon. member for Pictou put forward so clearly and so well. Now, Sir, as to the duty of the returning officer. My hon. friend would wish to say that if he had made any decision at all, a decision that should have had any weight, he should have made it on nomination day. Well, to some extent, I agree with the hon. gentleman. I think for all parties concerned, it would appear more reasonable and it would have been less subject to objections and to attack if, on nomination day, the objection had been taken, and then and there the returning officer, when two o'clock had arrived, had decided there was but one candidate, that the other had not been nominated properly, in consequence of this defect, and had declared the only one nominated to be elected by acclamation. I think that course would, no doubt, have obviated very many of the difficulties that have arisen since. But we are not called upon to question that, I do not think we are called upon to discuss that now, because the returning officer not having done so, left the matter go to the polls. Now, Sir, I would like to ask the