and admitting the position taken by the hon. gentleman, does not bear them out as they believe it does. I wish to draw the attention of the House to another aspect of that case, in which I shall differ with the hon. member for St. John, when he says that the Ballot Act of 1872 and our Elections Act are virtually one and the same Act, so far as their provisions are concerned. Now, I will point out to this House that there is a marked difference. In the first place the clauses which are enactments in the Act before us, in the Controverted Elections Act, are merely rules appended to the Ballot Act of 1872, and I do not think the members of the profession in the House will challenge the statement that the rules appended to a Statute are, as a general thing, directory, whereas in an enactment they are imperative. I call the attention of hon. gentlemen opposite to the fact that the provisions regarding the duties of a returning officer in the Ballot Act of 1872, are found in the rules, while in the Act before us they are positive enactments—so that there at once you see a great difference between the Ballot Act and the Controverted Elections Act. Now, there is another great difference between these two Acts. The Ballot Act of 1872 specially provides a time for and a time when the returning officer is bound to consider the validity of the nomination papers placed before him. There is a time specially marked out for him to exercise his judicial functions; there is a time marked out in these rules at which all objections to a nomination paper must be presented; and the rules go on to say that after that any question regarding the returning officer's decision as to the nomination paper must be raised after the election, and by petition, and that there is no time in which the returning officer can change his opinion or disallow objections allowed, or allow objections disallowed to these papers. And the House will see at once that the difference renders the case and renders the decision so much commented on, entirely inapplicable to the case before us. What are those rules—and they are not in the Acts, as I have said, regulating elections in the Dominion of Canada? Rule 6 in this Ballot Act of 1872, after mentioning the manner in which candidates have to be nominated, goes on to say:

"No objection to a nomination paper on the ground of the description of the candidate therein being insufficient, or not being in compliance with this rule, shall be allowed or deemed valid, unless such objection is made by the returning officer, or by some other person, at or immediately after the time of the delivery of the nomination paper."

And rule 12 says:

"A person shall not be entitled to have his name inserted in any ballot paper as a candidate unless he has been nominated in manner provided by this Act; and every person whose nomination paper has been delivered to the returning officer during the time appointed for the election, shall be deemed to have been nominated in manner provided by this Act, unless objection be made to his nomination paper by the returning officer, or some other person, before the expiration of the time appointed for the election, or within one hour afterwards."

With those two rules, is it to be wondered at that the courts in England, when this question was brought before them by petition, should have said that after that decision is given, after the returning officer has exercised those judicial functions, it is a mere matter of count, he proceeds to follow out the duties appointed by the Act. Why, hon. gentlemen will not question the correctness of such a decision there, when I mention to the House that these clauses are not in our Act, and that, moreover, we have entirely different clauses in regard to the nominations and what is to be then done than they have in the English Act; and that difference is at the very bottom of this case, as it is in regard to the proceedings with respect to the nomination paper. The hon. gentleman will see that the case of the Queen *vs.* the Mayor of Bangor can be relied upon in no degree whatever in the discussion now before the House. The Canadian Act, chapter 8, section 22, contains a provision that will not be found in the Ballot Act, nor in the existing Act of 1868, of England:

"No nomination paper shall be valid and acted upon by the returning officer unless it is accompanied by the consent in writing of the person therein nominated, except when such person is absent from the Province in which the election is to be held, in which case such absence shall be stated in the nomination paper; and unless a sum of $200 is deposited in the hands of the returning officer at the time the nomination paper is filed with him; and the receipt of the returning officer shall, in any case, be sufficient evidence of the production of the nomination paper, of the consent of the candidate and of the payment herein mentioned."

Taking that section of the Act, together with the section towards the end of the Act in regard to the payment of any deposit before or after the election, and to which section I shall allude later on, the House will see at once that we have to face a position of affairs that cannot be found in any election case, parliamentary or otherwise, in England, nor in any Act that obtains there. In the view I take of this question I do not think it is necessary for the House to thresh out that question of law. I may mention to the House that the very question which is considered by some hon. gentlemen so easy to dispose of and decide, is now before the election courts in Nova Scotia, that it is a point relied upon by one of the friends of hon. gentlemen opposite, and in maintaining that position in opposition to the one taken to-day by hon. gentlemen opposite in this House, that gentleman hopes yet to become a member of the House of Commons of Canada. So, the House will see that the question involved in this election is not merely a legal one, but it is a question in regard to which more authority than the case of the Queen *vs.* the Mayor of Bangor will be required and much more argument addressed to the House before it will follow the decision given in that case. I may say to hon. gentlemen who do not belong to the legal profession, or say for them, that it is worth our while considering how this clause 68, Chap. 9 of the Canadian Act, came to be the law in Canada. In 1868 that legislation was first introduced. In the case of England it was introduced after a tremendous agitation had been made for such an enactment; and although that clause was much discussed in the Imperial Parliament and much discussed before it was brought to the notice of Parliament, I am surprised to find that in Canada, in 1874, that clause received very little attention when the Election Act was introduced in the House by the then Minister of Justice, Mr. Fournier. The reason was that for over four hundred years the House of Commons of England had been contending with the legal tribunals for the jurisdiction over election cases, and those parliamentary courts whose decisions had been appealed to had so offended by their decisions the sense of independent minds in England, that dissatisfaction arose and it became so strong that this change was deemed necessary. Over four hundred years ago, before the Election Act of 1868, legislation had been passed authorising the judges of assize to enquire into the elections of members of Parliament; but this particular clause was not introduced into any of the Acts till 1868, and it became necessary then because Parliament assumed jurisdiction in every case of question as to the election and return of one of its members, and the conduct of its committees from time to time gave rise to scandals, and it was considered improper that members of Parliament should be judges of their own cases. What are we asked to do to-day? We are asked to decide, not only the question of Queen's county, but questions involved in a petition against the return of an hon. member in Nova Scotia. We are virtually deciding what may prove at some time to be our own case, and that of other hon. members. Is it proper that we should deliberately sit in judgment on a case with which we are connected? Surely no one but a hypocrite would say that we can enter into this case utterly devoid of partisan feeling and political bias? If that is the case, is it not wise to follow the letter, or, at all events, the spirit of the Act which relegated all these political or *quasi*-political questions to the legal tribunals? I think such a reference