

behalf of Mr. Baird to the validity of the deposit by Mr. King at the time of nomination. After hearing the objection argued, and taking advice of counsel, the returning officer decided that Mr. King's nomination had been irregular in that the deposit on his behalf had not been made by his authorized agent. He declared, therefore, that Mr. King's election was void, and returned Mr. Baird as the candidate duly elected. On this point it may be said that it was subsequently held that whether there was any doubt or not as to the validity of the deposit the returning officer, having accepted and treated the nomination as valid, was entirely in the wrong in rejecting it after the election had been held, and the votes recorded. The political aspect of the case is one with which we are not concerned, but the fact that the candidate thus rejected was opposed to the party with whom the returning officer was in sympathy naturally threw doubt upon the *bona fides* of his action, and accounts for the acrimony which characterized the subsequent proceedings. It may also be referred to as showing the advantage of having returning officers appointed *ex officio*, and not on the nomination of one of the parties directly concerned in the issue.

The return having been made as above stated, the rejected candidate applied to the county judge for a recount. The application was granted, and time and place appointed for the hearing. What the result of this application would have been can only be conjectured. Whether the returning officer would have adhered to his ruling, and still treated Mr. King's election as a nullity if the county judge had certified that he had a majority of votes, or whether he would have accepted the decision of the judge, we cannot tell; for, in the meantime, another authority intervened, and gave a new aspect to this already remarkable case. The application for a recount having been granted, Mr. Baird, by his attorney, applied to Mr. Justice Tuck for a writ to prohibit the county judge from proceeding any further, and a rule *nisi* was granted to show cause why the writ should not issue, and staying proceedings as to the recount in the meantime. But it is needless to pursue the legal proceedings as regards the writ, for at this juncture Mr. Ellis steps in with the newspaper articles which led to the proceedings complained of in the motion of Mr. Davis. Writing in the heat of the political excitement of the moment, and under the impression, as sub-