

majority of votes when the summing up takes place. Now it is stated that the deposit should have been made by the agent and not by the candidate. Well, I think that if that was necessary, there are many hon. members who might have been deprived of their seats by the returning officer, and I myself would be one of them, for it was not my agent who deposited the money. Besides, the law does not require it. The law declares that what is wanted is a presentation paper, signed according to law, and a deposit. It has also been said that the deposit should be made by the agent because it is an election expense and that all such expenses should be paid by the agent only. Well, I believe it is not an election expense, because the deposit is to be remitted to the candidate who has received a certain number of votes, while even if he has received votes enough to save his deposit, his election expenses are not returned to him. Therefore it cannot be said to be an election expense. But even admitting that it should be an electoral expense, it is a personal expense, and the law allows the candidate to pay his personal expenses without the help of an agent. However, I say, this argument cannot hold because it is not even a personal expense, it is no expense at all, except in a certain case, and then it is a penalty, when the candidate is so unfortunate as to not obtain the required number of votes. Therefore this argument cannot hold in face of the law. I say, supposing it to be an election expense, it is not necessary that the agent should make the deposit, because then it would be a personal expense or a penalty, and the candidate can make this deposit himself or make it through his agent. Now it is said that this House has no right whatever to deal with this question, and that the matter should be referred to the Committee on Privileges and Elections. The hon. member who sits before me (Mr. Davin) has said that in this committee we have all the necessary guarantees, that we have the hon. leader of the Opposition, that we have prominent lawyers on both sides. It is true, but I only regret that the hon. member is not himself a member of the Committee on Privileges and Elections, for we will need his advice, and if the question is left to the House we shall have that advice. Mr. Speaker, does not the Committee on Privileges and Elections form part of this House? Will not the hon. members who will discuss and give their opinion before the committee, come back before the House with their report to have it approved or rejected by the majority of this House? Certainly, they will. Then why should we lose time? Why take this round-about way which is perfectly useless and go before the committee? If there was evidence to be adduced, if there were witnesses whose evidence it was absolutely necessary to hear, if the hon. gentleman who was proclaimed as elected could suffer any wrong because the question was referred to the Committee on Privileges and Elections, I would be the first to vote for the amendment, because I want no hon. member in this House to suffer wrongs, no more than I want to suffer them myself. But there is only one simple question at stake, a simple legal question; there is no need of witnesses, for we have already the written testimony of the returning officer, who says that the only reason why he has not proclaimed as elected the candidate who had the majority of votes, is that his deposit was not regularly made. Consequently, we have before us all we need to pronounce with a knowledge of the facts, and all we have to do is to read over the papers which are before the House. Why, then, should we not pronounce immediately? We have only one legal problem to solve, a question which was discussed on both sides of the House, in all manners and from every point of view. What need have we of the Committee on Privileges and Elections for those members of this House who have already expressed their views on this question? I see no other reason than a desire to gain time, to allow the Session to pass and to benefit by the vote of a man who represents the minority

Mr. CHOQUETTE.

of a county, and is so deficient in self-respect as to cling to a seat which he knows does not belong to him. Well, I say that for all these reasons, the House has a right to judge immediately this question upon its merits, being in possession of all the facts of the case, having before it all the documents necessary to discuss with a knowledge of the facts the only legal question which we have to decide. I say it is perfectly useless to refer the question to the Committee on Privileges and Elections, and that the House can pronounce on this legal point, because there is no investigation to be made. We have before us all the papers, and the returning officer says in his report that the only reason why he has not declared as elected the candidate who had the majority of the votes, is that his deposit was not made by his agent. Now, I believe, that under the clauses of the Act which I have just quoted, the deposit was perfectly legal, and even if it was not legal, it is too late for the returning officer, on the day of the summing up of the votes, to pronounce and to use such an extraordinary power as he has seen fit to use, and to deprive a county of a man who had the confidence of the people. For all these reasons I shall vote against the amendment, for I consider that we would be losing time uselessly and depriving for a longer time the county of Queen's of the representative who was chosen by the majority of votes. I say we have a right to pronounce and to substitute the member who was regularly elected to the one who sits here illegally without having received the majority of votes.

Mr. MITCHELL. I take some interest in this discussion because it comes near home. I must say in reference to this remark of the hon. member for Essex (Mr. Patterson), that I most heartily admire the man who is able to sink his party allegiance in the interest of justice and fair play. Twice already in connection with this Franchise Act, I have found that hon. gentleman on the side of justice and fair play, as I have found my hon. friend on my left, the king of the Gatineau (Mr. Wright), with some other hon. gentlemen, one of whom is now in my eye. On the occasion when this iniquitous Franchise Bill was brought in by the Government of the day, it became the duty of hon. members to point out the iniquities which it contained, I had certain suspicions as to the objects of certain provisions of that Bill, and did not hesitate to express my opinion about it. I find now, Sir, that that Bill, in some of its particulars, is now producing the fruits that the hon. gentlemen who proposed it and carried it through this House, contemplated, perhaps—I say perhaps—at the time. Sir, is it to be said in a free Parliament like this, that we who are here by the votes of the majority of the people in our different constituencies, are going to allow iniquities to pass such as this fraud on the part of the returning officer who was appointed by the Government of the day, a man who was the secretary of the Liberal-Conservative Association, and an active partisan in the county of Queen's, N.B.? Shall it be said that we will allow that man deliberately to override the votes of the people, and permit him to return a man to this House who received a minority of the votes? Sir, if we countenance this thing to-day, what may be the effect of it? Are we going to perpetuate the power of these gentlemen on the other side of the House forever? At the next general election—if they remain as long, and I do not believe they will—what will be the effect of it? They will appoint other returning officers of this kind—I hope there will be too much honesty in some of them to consent to it—but we know they have appointed such persons in the past. I have nothing to complain of myself because they appointed the sheriff of the county who acted fairly, and when the Bill was passing I endeavored to get the local officers who had charge in the counties controlling the local elections, appointed to carry on the general elections in the Dominion. If that course had been pursued, and the sheriffs in the sev-