alternative for the returning officer; there was nothing else he could do, after the polling and summing up of the votes, than declare the majority candidate elected, without an absolute and complete breach of his simplest and plainest duty. And if an officer of this House commits a breach of a simple and plain duty, more especially when it is connected with the privileges of members of this House, surely it cannot at this time of day be said that we ought not to interfere. From the argument which the last speaker addressed to the House, I think I can see how it was that the returning officer erroneously—to use a mild term—thought he had to make a report to the Clerk of the Crown in Chancery. He should not have done so. Section 59 says that he should have returned the candidate elected, and that is all. But I see by the Act that section 23 does refer to a report, and no doubt the simple returning officer thought, or was advised, that he would be complying with the Act if he made a report. Section 23 says that he shall "accompany his own return to the Clerk of the Crown in Chancery, with a report of his proceedings, or of any nomination proposed and rejected for non-compliance with the Act." He no doubt acted under that section, but that only relates to acclamation returns. Section 23 is among the sections of the Act which refer to the nominations of candidates, and up to that time the word poll or voting is not mentioned. It is not until the 24th section, the one which comes after that, that any reference, directly or indirectly, is made to having a poll; and he has gone to that section, which he would have had to act under, if at the time of nomination he had declared the result of that nomination in the shape of an election by acclamation. In that case only was he required to give these particulars. That is why we have happened to get that report. It was incomprehensible to me at first, but it is evident that, instead of the return he was commanded to make after the poll, he has made this report. Now, the case is in a nutshell; that is really the whole of it; it is all before us; there is no law, no facts, in dispute one way or the other. The case is infinitely clearer than the Muskoka case, the last case of the kind that was decided in this Parliament; and in that case the hon. leader of the Government himself admitted, apparently with some hesitation from the report of the debate, that it was a case which should properly be dealt with by this House, without referring it to the Committee on Privileges and Elections, and it was so dealt with. In that case the returns showed that there were poll-books lost; that there were people acting as poll clerks who were not sworn, and that there were a number of irregularities shown on the face of the return. And yet the House unanimously decided to put Mr. Cockburn in his seat in this House because, and only because, it was apparent from the papers on the Table of the House that he had the majority of votes, and it was not suggested in that case that it should be referred to any Committee on Privileges and Elections. Now, what are the returning officers' duties on nomination day? The hon. member for Pictou (Mr. Tupper) has rather elaborately gone into that question. I will look into it as briefly as possible and see what I understand by the directions of that statute, and I think all the hon. members of this House who have had occasion in their own cases to consider the proceedings with regard to nominations and elections will follow me and understand it. He is to decide, simply I suppose in a judicial capacity, whether more candidates than are required to be elected are nominated. That is all he has to decide on nomination day. Then he either returns by acclamation under section 22 or he grants a poll under section 24. If he returns by acclamation under section 22 then he makes the report which this returning officer has thought proper to make here. But if he once acts under section 24 he has made a step; he grants a poll, and having made that step there is no power in the Act which enables him to retrace that step. He has taken a proceeding which he cannot retrace. He might as well make another return to the Clerk of the Crown in Chancery; he might as well indeed keep on making returns for a year. It is true there is no provision in the law which says that he shall not make more than one return—no provision which says that after going to the poll he shall not go back and declare a man elected by acclamation. Such a case is so absurd that the law does not deal with such a possibility. Having granted the poll, as was done in this case, and moreover, having actually held the election and polled the votes, his entire duties and functions as to nomination proceedings were discharged. He was absolutely *functus officio*. When granting a poll it is for the returning officer to decide what candidates are nominated, and he puts their names on the ballot papers. The Act then says that any votes given at the election for any other candidate than those so nominated shall be null and void. That is to provide for cases where the returning officer finds votes on the ballot papers for persons other than those put there by him as properly nominated. Now, I am afraid that this returning officer has had it running in his mind that that provision gives him some sort of discretionary power, when summing up the votes, to go into the whole question of the nomination again, and decide judicially whether a certain nomination has been proper or not. In order to show how little discretion is allowed to a returning officer to interfere, I will call the attention of the House to the South Renfrew case, which has been referred to by the hon. member for Pictou. It is reported in Hodgin's Election Cases, page 705. In that case it was held by Chief Justice Wilson that the returning officer at the nomination has so little discretionary power that he cannot refuse a nomination paper which is signed by only 24 qualified electors instead of 25. The returning officer in that case did so, and he returned by acclamation the other candidate, Mr. McDougall, whose nomination paper appeared unobjectionable. A petition was filed by Mr. Bannerman, the unsuccessful candidate, whose nomination paper had been refused. The Chief Justice said the returning officer should have gone on and held his poll, and cited section 80 of the Act, which provides that no technicality shall affect the result of the election. And it was held by the Chief Justice of the Queen's Bench, that even such a glaring mistake in the nomination paper did not justify the returning officer in interfering with the ordinary course of the election. If he had any right to interfere, it was, as in the Renfrew case, before he granted the poll. But in the case before the House to-day, for a mere technicality, the returning officer, after he had granted the poll, chose to reverse the decision of the whole majority of the electors of the county. Now, I do not want to argue, more than I can help, the merits of the wretched technicality which the returning officer clings to as his excuse for violating the simple words of the statute, but as the hon. gentleman who has preceded me has gone into that matter a little, I will follow him. What were the merits of the returning officer's decision? He says in his report, which he wrongfully sent in:

"T. Medley Wetmore handed me the nomination papers of George G. King, of Chipman, Queen's Co., N.B., merchant, accompanied by the sum of $200. On my calling the attention of Mr. Wetmore to the fact that no election agent had been appointed by Mr. King, I was handed the appointment of John McLean McLean as election agent for Mr. King. At two o'clock I granted a poll and announced the names of the candidates, notices of poll being granted and the names of candidates were then posted throughout the county."

That was on the 15th of February. The election was held on the 22nd of February. On the 5th of March, the returning officer in his report says:

"I summed up the votes given for each candidate."

That should have ended the matter, but it did not. Well, what was the objection taken? It was this: