

the Crown, and the public get the benefit of it. The hon. member for Pictou (Mr. Tupper) referred to this section, and said it must have some importance because there was already a case, involving the construction of this section, going on in the Lower Provinces. Do we not find that there are cases going on all over the Provinces involving the seats of hon. gentlemen in this House. I believe there is a case involving the seat of the member who has the honor of addressing the House now. I do not know for what reason, except that they may desire to challenge my right as the champion baby-kisser in the Province of Ontario. I do not think it is any reason, because there is a case going on involving the construction of that section, that we should attach so much importance to that section. The section has been read two or three times in this debate, but I will read it again with the permission of the House, because I want to refer to one or two considerations in connection with it:

"No payment (except in respect to 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, before or during or after such election on account of such election, otherwise than through an agent or agents."

I think that is the whole pith of this case. It is contended, I believe, that the returning officer in this case had the right to return the minority candidate because the deposit was not made by the authorised agent. I say that, according to the statute, if anyone is to make the deposit, it is the witness to the nomination paper. The statute says, in a preceding clause, that the nomination paper shall be handed in, and it goes on:

"The returning officer shall require the person or one or more of the persons producing or filing any such nomination paper to make oath before them that he or they know that the several persons who have signed such nomination paper are electors duly entitled to vote."

So you see that the person who is to hand in the nomination paper is the witness to the paper itself, and the time at which it is handed in is the time to hand in the deposit. In no case can I find in the statute any reference whatever as to who is to pay in the money, and I think it is straining the law and doing violence to the constituency which Mr. Baird has come from, to say that he is to sit here, instead of the man who has the majority of votes, simply because the deposit was not handed in by the agent. There is this, also, in reference to the matter. That particular section, section 118 of the Revised Statutes, imposes a penalty:

"Any person who makes any such payment, advance, loan or deposit otherwise than through such agent or agents is guilty of a misdemeanor."

Now, you see there is a special penalty attached to the breach of that section, and I take it that no other penalty can be attached to the breach of that section. Several cases have been referred to in this discussion to show that the returning officer had no right, even if the gentleman who received the majority of votes was disqualified, to take cognisance of the matter, and I think the cases cited on this side of the House, and also on the other side, go to show that. I shall not, therefore, refer to them any more. I believe the country at large, apart from the legal aspect of this case, is not in sympathy with the hon. gentlemen opposite when they desire to deprive a gentleman, who has the majority of votes, of his seat in this House. I may refer to the *Mail* newspaper of the 7th March. It was discussing this case, and also referred to another case affecting the right to sit here of an hon. gentleman whom I am glad to see here. The *Mail* says:

"In both instances the moral, though there is not much comfort in it for either of the victims, is that none but men with an ordinary amount of common sense should be appointed as deputies. Meanwhile it may be said that the candidates who will accept an election by virtue of the errors of the officials, are not to be envied."

Mr. BARRON.

I think that, if there is one spirit that ought to animate, and does animate, most of the members of this House, it is a spirit of loyalty, and I ask hon. gentlemen opposite if, in depriving the gentleman who has the majority of votes in this case of his seat, they are loyal to the people of this country? I do not think they are. I think the first thing necessary in the sentiment of loyalty is to be loyal, not to one individual, but to the people, and I say that we are not truly loyal to the people of this country if we allow a gentleman to sit in this House who has a minority of the votes. I do not understand the argument, Mr. Speaker, that we ought not to take cognisance of this according to the motion which is in your hands, but that it should be referred to a committee of this House. I am not yet familiar with the procedure in this House, but I take it that the committee will report to the House afterwards and that then the House will take cognisance of it. If we cannot take cognisance of it now, how can we take cognisance of it then? I think the country at large will be better satisfied—I know my own constituency will be better satisfied—if we dispose of this case now. I can say for my opponents that, if similar circumstances had arisen in my constituency, the Conservatives there would never have allowed the returning officer to return the minority candidate as in this case. I do that justice to my constituents, and to the Conservatives there, because I know they possess a sense of honor which would prevent their taking such a course as has been followed in this case. I hope and believe that the country at large will not be in sympathy with us on this occasion if we do not vote for the motion of the hon. member for St. John (Mr. Skinner).

Mr. LANDRY. One word of personal explanation. I am sure the hon. gentleman did not wish to misrepresent me, but he misunderstood me, because I take it to be an accusation against any hon. member to say that he cited one part of a section and left out a portion which would have given a different meaning to it. I did not read the section which he read at all, so he must have misunderstood me. I read this section of the Act of 1874, which says:

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

And that is all there is to it. I know the hon. gentleman did not wish to misrepresent me.

Mr. MILLS. I would ask the hon. gentleman whether the returning officer has anything to do with the payment of the election expenses of the candidate?

Mr. LANDRY. The argument I made was this: I said that under the Act of 1874 there was a provision that the deposit so made shall be applied by the returning officer towards the payment of election expenses.

Mr. MILLS. What election expenses?

Mr. LANDRY. The amount of \$50 which was deposited became virtually an election expense of the candidate. The law imposed it upon him. The hon. member may hold a different opinion, but I still maintain that it is a part of the election expenses. The argument I made was that the law imposed upon him a deposit of \$50, and that \$50 was part of his election expenses. I do not care where it went, it was part of his election expenses, as he paid it in connection with the election and it was not refunded to him.

Mr. EDGAR. With reference to the question of my hon. friend, I would say that I could not for one believe that he had quoted that section, because it was repealed in 1882.

Mr. LANDRY. I said it was repealed in 1882.

Mr. PATTERSON (Essex). I have listened with a great deal of interest to the speeches on this subject, to the lengthy and learned arguments. We have been treated to