

printed here at the Bureau. Now, what is contemplated by this clause? Does it give an option that instead of forwarding printed lists from here, recourse may be had to these lists that are to be found in the office of the provincial authorities?

The SOLICITOR GENERAL. For the purpose of a Dominion election, the certified copy which is in the hands of the Clerk of the Crown in Chancery, is the list. He is the legal custodian of it. Look at paragraph 10 of the Franchise Act, and he will find that the Clerk of the Crown in Chancery has a copy. The list which has reached the Clerk of the Crown in Chancery is the copy which is in possession of the legal custodian, copies of which are to be taken by the returning officer.

Mr. BENNETT. Assuming that the returning officer in my riding had not had sent him, under clause 21, copies of the printed list issued from the Printing Bureau, what would he do? Turning to section 22, he would have received the writ for the election, and he then would have to apply to the legal custodian for such provincial lists. Does that not follow by the reading of this clause 22?

The SOLICITOR GENERAL. I think not. If there is any doubt about that we will let the clause stand for the purpose of considering it. We ought not to allow any doubt to exist on an important matter of that sort.

Mr. BENNETT. It seems to me plain that if the writ is received by the returning officer, and it is not accompanied with the printed voters' list, transmitted from Ottawa, then under section 22 it devolves upon him to apply to the local custodian for such provincial voters' lists as may be in his office. Is that not correct?

The SOLICITOR GENERAL. Yes.

Mr. BENNETT. That is a point that should be avoided. The whole stability under the Franchise Act, as we contend, was that the lists should be printed and not the mutilated lists that are in the hands of the clerk of the peace.

Mr. BORDEN (Halifax). The legal custodian referred to in section 22, cannot be the Clerk of the Crown in Chancery, because if you look at subsection 2, you will find that it indicates he is not.

Mr. CASGRAIN. In the province of Quebec, the municipal council of each county is obliged, when it makes a list, to divide the municipality into polling divisions, which shall not contain more than 200 votes. I take it that in some provinces this is not provided for, and I would like to know where this Bill provides for the division of the constituency into polling divisions.

The SOLICITOR GENERAL. I think section 23 provides for that.

Mr. CASGRAIN. It seems to me that section 23 leaves too much discretion in the hands of the returning officer, in dividing up these polling divisions. We should provide here that not more than 200 or 300 electors can be comprised within one polling subdivision.

The SOLICITOR GENERAL. I would not object to that.

Mr. CASGRAIN. I wish to call the attention of the Solicitor General to another matter which I would like him to take a note of. There may be some electors whose names by error, are not mentioned in the list, which are forwarded by the Clerk of the Crown in Chancery. There may be a misprint.

The SOLICITOR GENERAL. That might happen.

Mr. CASGRAIN. At the last election in Sherbrooke, some twenty prominent citizens could not vote because their names were not upon the list which had been transmitted to the returning officer by the Clerk of the Crown in Chancery, although their names were upon the official list in the hands of the clerk of the city. It seems to me that some provision should be made in the Franchise Act, so as to remedy this grievance.

Mr. JAMES CLANCY (Bothwell). I would point out to the Solicitor General the danger arising from the word 'extract' in this section, and I would like to know what is the object of providing for an extract of the voters' list. In every case in Ontario, we have a certified list, and that being so, why should any provision be made for taking extracts from it? Now, we have in the province of Ontario, practically three legal custodians of the voters' lists, namely, the county judge, the clerk of the peace, and the clerk of the municipality; and here the Clerk of the Crown in Chancery may be the legal custodian to some extent. It is, therefore, a difficult matter to decide who may be the legal custodian for the time being. I wish to have it made perfectly clear in this law, that in the transcribing of lists or otherwise, there shall be no error, and that nothing but the legal lists shall be in the hands of the returning officer. I do not know what extracts from the list should be provided for, and why that uncertainty should be brought into the law.

The SOLICITOR GENERAL. You may have in your province as we have in our province, an electoral district with a different boundary in the federal from that in the local election. You would require then to take from that list an extract to make it applicable to the portion which would be in the other constituency. Quebec West for federal purposes extends into the county of