

about sixty names had been improperly left off in the township. He was prosecuted, and he was obliged to flee the country, but it happens that he was not a friend or a supporter of mine but belonged to that class which the hon. gentleman says did not begin this struggle for the control of the voters' lists. But the hon. gentleman should bear in mind that the adoption of the provincial franchise, as proposed by my hon. friend, is more in harmony with the genius of our constitution than the proposal of the First Minister, even though the Bill were made perfectly fair and its partisan features were wiped out. But I know, and every hon. gentleman in this House, whether on this side or on that, knows that, if those partisan features were wiped out, the First Minister would have no interest in pressing this Bill on the attention of Parliament. I say that, under our federal system, the adoption of the provincial franchise is more consistent with our system than this proposal. Under our constitution, we have the principle of representation by population. Is it applied to the whole country as a unit? Are there to be equal electoral districts? No, it is applied by Provinces. Quebec is to have sixty-five members, and all the other Provinces are to have numbers in proportion to their population according to that of the Province of Quebec. If the proportion is changed in Quebec, and the number is made something less than 65, then a different proportion is to be adopted in the other Provinces, so that the principle of representation by population between the Provinces may be preserved. If the hon. gentleman was right and if his views were sound, it would be necessary to apply the principle to the entire country as a unit and to make the electoral districts equal, to redistribute the seats in the Province of Quebec, to add to the smaller constituencies and reduce the larger constituencies, and so with every other Province of the Dominion. The House has not adopted that view. It has not attempted to deal with this country as a unit. Parliament has so far recognised the principle laid down in this constitution, that the representation by population is representation by population between the Provinces and not as between the constituencies, that the Province is the unit of which Canada is the multiple and Canada is not the unit of which the Provinces are fractions. There is not a word said about uniformity between the Provinces with a view of securing equal electoral divisions. There are some features of our legislation that, it seems to me, have been lost sight of. We have on other matters proceeded on exactly the same lines that we have proceeded heretofore in reference to the elective franchise. In 1873, the First Minister introduced a Controverted Elections Act, and he proposed to create an election court, and he proposed to constitute that court in some instances of the judges who compose the other courts, and he gave as a reason for adopting that course that we had no power to confer jurisdiction upon provincial courts. We took a different view, and in 1874 another Controverted Election Act was adopted, and by that Controverted Election Act the different courts were made election courts. The courts are specified in the Controverted Election Act, which says that the Court of Chancery, the Court of Queen's Bench, the Court of Common Pleas and the Court of Appeals in Ontario shall be election courts for the trial of controverted elections. Some of the judges in Lower Canada took exception to this legislation. They said: You cannot adopt this rule, you cannot confer civil jurisdiction upon these courts; and the case of Vallia against Langlois was taken from the provincial courts to the Privy Council and we have the judgment of the Privy Council upon that case. What did the Lords of the council say? They said: The trial of controverted elections is not an ordinary matter of civil procedure, it is a question lying wholly within the jurisdiction of Parliament, and it was within the power of Parliament to determine for itself who should try these controverted elections.

It was in the power of Parliament to confer that jurisdiction upon judges, to confer that duty upon existing provincial courts, because it was a question that lay wholly within the jurisdiction of Parliament. Now, it is just upon precisely that principle that we have proceeded in adopting the provincial franchises. The question as to who shall vote for members of this House is wholly within the jurisdiction of this Parliament. It does not rest with the Local Legislature. The Local Legislature has no power to pass an Act to say who shall be an elector for the election of members of the House of Commons. We say that we have settled that; we said it in the Act; we said that the people in the different Provinces whom the Local Legislatures say shall be electors for the election of members to the Local Legislature, shall also be electors for the election of members to the House of Commons. That is what we have said. It is by virtue of that declaration that the local law has become our law. It is not because it is a local law that it is binding upon us at this moment; it is because we have said that it shall be the law of Canada, and the jurisdiction being vested in us, we have the right to say it. Now, we have a right to say what a town clerk shall do; we have the right to say what an assessor shall do; we have the right to say who shall prepare the voters' lists; we have the right to say that those voters' lists shall be prepared by municipal officers, or any other persons acting in the capacity of municipal officers—not under any power they possess as municipal officers, but under the power we confer upon them, under the duty conferred upon them in the exercise of a power we possess. Now, that being the case, we have the same right to impose the duty upon a clerk that we have to impose a duty upon a judge. Surely no one can contend that we can impose a duty upon a judge of a superior court that would be binding upon him, and we cannot impose a duty upon an ordinary township or municipal clerk that shall be equally binding upon him. Any one knows that in the one case we act under our authority just as we do in the other; in the one case our authority is just as binding as it is in the other. And why do we choose those officers? We choose them because they are acquainted with the locality, because they are appointed by the people themselves; because, in the preparation of the voters' lists, the people are acting in their own behalf; they are exerting their own authority. We are not putting the matter into the hands of a partisan Government that is interested in the results, but we are putting the matter into the hands of officers who are supposed to belong to neither one party or the other. The rule upon which we act is a rule of convenience. We have adopted this system because it is convenient, because it is better than the system now proposed. If the motion of my hon. friend from North Norfolk (Mr. Charlton) is carried, what will happen? That the ordinary mode of preparing a voters' list that prevails now in the Provinces, will be retained, that it will remain in the hands of parties who possess local knowledge; it will remain, as it is in England, in the hands of parties possessing local knowledge. But if this motion is rejected, and if the views of the right hon. gentleman prevail, what will happen? Why, the whole affair, from the first inception to the end, unlike the law in any other Government in the world where Parliamentary government exists, will be in the hands of the Minister whose position may depend upon the conduct of unscrupulous men whom he may appoint. What could be more monstrous than such a proposition? Have they any such plan as that in England? Why, sir, you find in the county of Middlesex, and in the city of London, that the appointment of the revising officer is in the hands of the Chief Justice, and that in every other county it is in the hands of the judge who is on the circuit during the summer assize. In whose hands is it in the United States? In the hands of men elected by the people, in the hands of a body in whom