

Mr. MILLS (Bothwell). How can the hon. Minister reconcile that argument with the first part of section 30?

Sir JOHN THOMPSON. I will go through the various sections. Section 30, irrespective of comparison with this section, clearly requires the same thing. Hon. gentlemen will observe with respect to what I have said as to this section that it is to be subject to the provisions of the Dominion Elections Act as to the counting of the ballots, and it provides that the exclusion of any voter's name on such list shall be subject to appeal. Section 30 seems to me, and I say it with all respect to the argument which the hon. gentleman has presented to the contrary, to make it clear that the name must appear on the list until the appeal be decided. This section, as well as the provision of the Dominion Elections Act, places it beyond dispute that if a certain individual has the right to vote, his vote must be counted, subject, of course, to final determination by the constituted authority as to the name being properly on the list. Section 30 provides that lists are to be certified while an appeal is pending—

"If at any time when the revising officer is required to furnish or certify any list of voters to any officer or person, there is, with respect to such list, any appeal pending and undecided, or if there is any appeal with respect to such list in which the decision is given, has not been notified to the revising officer, the revising officer shall furnish such list as when last revised, corrected and certified by him, noting thereon the names of all persons who have been retained on the list of voters, notwithstanding objections, the names of all persons who have been struck off the list of voters, and the names of all persons who have applied to be placed on the list of voters and whose applications have been refused, and noting thereon the names of all persons who have appealed from his decision."

I agree with the hon. gentleman as to the interpretation of these words: "all persons who have appealed from his decision:" but it is clear that the list which is furnished the revising officer must, in order to comply with section 30, as the revising officer himself called to our attention, contain these names, because the Act says he shall note thereon the names of all persons who have appealed from his decision; and such list, with the persons' names who have appealed from his decision appearing thereon shall serve and avail according to the provision of the Act, for the election with reference to which it is furnished: but whenever any appeal is decided, so as to require the correction of the list, and the formal order or judgment has been served upon him, he shall forthwith correct the list accordingly. If the hon. gentleman's argument is that those names should not appear on the list, this language of the Act would be absurd, because when the judgment shall be given, as if Judge Elliot, the County Court judge, declare that these persons have a right to appear on the list, there would not be any correction of the list, because the names would not be there. The Act says:

"And shall forthwith notify the Clerk of the Crown in Chancery of such formal order or judgment, that he may correct the duplicate list in his hands accordingly."

I repeat he would have no ground of correcting it at all, if the names did not appear there.—

"And the Clerk of the Crown in Chancery shall forthwith correct the same accordingly."

Then, if the hon. gentleman is right in his arguments that these 220 names ought never to have appeared on the list, and Judge Elliott had decided otherwise, how is this list ever to be corrected, so as to be effectual for the purposes of the election?

Sir JOHN THOMPSON.

"Provided, that if the decision in appeal, requiring the correction of any list of voters, is notified to the revising officer by service of the formal order or judgment, or otherwise before the day of polling, a duly certified copy of the corrected list of voters, together with a copy of the formal order or judgment on appeals as received by him duly certified by such revising officer, shall be furnished before the said day by the revising officer to the returning officer for the polling district, the list of voters for which has been corrected upon the said appeal, which copy shall contain the correction in question, certified as hereinbefore provided, in which case the election shall take place upon such corrected list if received in time by such deputy returning officer."

Now the hon. gentleman's view is that, under that, the course of procedure where the revising officer thinks that names ought to be struck off, is to leave them off, but that if the parties have appealed, their names shall in some way appear on some supplementary list which the revising officer shall furnish to the returning officer or deputy returning officer. I would call the attention of the hon. gentleman to the fact that there is no power or provision for making any supplementary list. He must give the list that he has prepared of the voters, and that is subject to correction if the authority in appeal should decide that the names ought to be removed from the list. Let me call the attention of the House to what I think is conclusive upon the point in the provisions of the Election Act with regard to such appeal votes. Section 50 says:

"In the event of any person desiring to vote at any election whose name is registered on the list of voters for any polling district in the electoral district for which such election takes place and whose right to have his name registered on such list as a voter and to vote, appears by the list of voters to be the subject of an undecided appeal under the provisions of 'The Electoral Franchise Act,' or of the Act passed in the session held in the forty-eighth and forty-ninth years of Her Majesty's reign, and intitled: 'An act respecting the Electoral Franchise,' the deputy returning officer shall number the ballot of such a person, and shall place opposite to his name in the poll book, a number corresponding to the number so placed upon such ballot paper."

Now, what was eventually done, was to make it appear in these lists that these voters whose names are on the list, were all subject to an undecided appeal. The hon. gentleman's view, which I dissent from, is that these names ought not to appear there at all. How, then, are we to understand the provisions of the Electoral Act, which says:

"Whose right to have his name registered . . . appears by the list of voters to be the subject of an undecided appeal."

Mr. MILLS (Bothwell). Then there is no name to be struck off by the revising officer?

Sir JOHN THOMPSON. Yes; all those which are not the subject of an undecided appeal. If the appeal is taken these names are to appear there.

Mr. MILLS (Bothwell). There are seven days allowed for an appeal; what is the position of the name during these seven days?

Sir JOHN THOMPSON. During the seven days the revising officer does not certify the lists to the Clerk of the Crown in Chancery, not until he knows whether an appeal is taken from his decision.

Mr. MILLS (Bothwell). The hon. gentleman will see under section 35 where all the names to be struck off are to be restored.

Sir JOHN THOMPSON. Subsection 2 of the same section says: