

of any election, any ballot box containing or including any compartment, appliance, device or mechanism by which a ballot paper may or could be secretly placed or stored therein, or, having been deposited during polling, may be secretly diverted, misplaced, affected or manipulated; or

(1) attempts to commit any offence specified in this section, shall be disqualified from voting at any election for a term of eight years thereafter and guilty of an indictable offence and liable, if he is a returning officer, election clerk, deputy returning officer, poll clerk, or other officer engaged in the election, to imprisonment, without the alternative of a fine, for a term not exceeding five years and not less than one year, with or without hard labour, and, if he is any other person to imprisonment for a term not exceeding three years and not less than one year, with or without hard labour.

The penalties are very severe. It appears to me that the returning officer who has the Election Act before him, or the deputy returning officer or poll clerk, and they know what the law is, there is very little danger of making any mark, and I think it would be perfectly safe to provide that the elector shall not be disfranchised because of any marks on the ballot. The officers would be very careful not to violate the law when the penalties are so severe.

Hon. Mr. LANDRY—These penalties are only imposed if you prove the criminal intent of a returning officer that the voter should be identified.

Hon. Mr. WATSON—That is all the amendment refers to. The fact that the ballot can be identified is the evidence.

Hon. Mr. LANDRY—That does not prove anything.

Hon. Mr. PERLEY—There is only one solution of this matter, and that is to repeal the whole proviso, and in that case the returning officer would not mark the ballot because he would be fined; but if you repeal the clause it would not be there to be used by a man canvassing a vote. This penalty would not cut any figure. If you put a man in the penitentiary the remainder of his life, it would make no difference, because a clause is there to show that a mark may be put on the ballot. If the government wants to have an honest, fair election, they will strike out the clause.

The amendment was declared lost on division.

Hon. Mr. WATSON.

Hon. Mr. PERLEY—I move in amendment that clause 21 be struck out.

Hon. Mr. LANDRY—Will we have a statement from the Secretary of State in regard to this question and not merely a vote? The hon leader of the House was not in the Chamber when the hon. gentleman from Wolseley exposed the whole working of that clause which was used to make an elector believe that he could be recognized.

Hon. Mr. PERLEY—This is susceptible to be used for the purpose of causing bribery and corruption in the way I have explained. I venture to say I can go into any constituency where the voters are purchasable and secure the election of any candidate by this means. The returning officer does not mark the ballot, but the voter casts his ballot on the assumption that the returning officer will, and that serves the purpose.

The clause was adopted.

On clause 26,

Hon. Mr. PERLEY—This is the clause where the amendment I have been suggesting could be appropriately inserted. The first part of the clause is unnecessary, because, as I have shown, the best system of bribery can be carried out without the returning officer violating the law. I noticed the moment I began to explain where this Bill was defective, and suggested an amendment, that both of the ministers in this House left the chamber, and when the hon senator from Hastings moved an amendment, neither of them deigned to give an explanation, showing that the hon. Secretary of State knows that what I have said is correct.

Hon. Sir MACKENZIE BOWELL—We have had cases where people other than the returning officer have marked ballots. Such a case occurred in the county of Hastings, where the ballot boxes were taken into a printing office and afterwards it was found that quite a number of the ballots were marked with a small cross. That was done by a secret conclave where they opened the boxes.

Hon. Mr. WATSON—Something of the same kind was discovered in the recount in the recent London election.