

tion laid. But section 86 refers to an action as for damage brought in some of the courts of record; it has no reference whatever to proceedings in a magistrate's court.

Section 14 agreed to.

On section 16—communications by telegraph.

Mr. MACKENZIE KING: This section makes mention of the Chief Electoral Officer. This is a new office, is it not? I think there is no mention of that position in the old Act. Will the minister explain to the committee what were the reasons which led to this change?

Mr. GUTHRIE: Perhaps I had better reserve the explanation till we come to section 19, which provides for this office. The section as drawn is practically the same as section 313 of the Act of 1896. It has been modified in language because we have introduced the office of Chief Electoral Officer.

Mr. JACOBS: Might I suggest that the clause be changed in such a way that the party receiving the telegram should be obliged to repeat it to the Chief Electoral Officer? Otherwise there might be abuses. As it is now, the telegraph company is not responsible for a message unless it is repeated. I think that, in order to obviate trouble, the section should make clear that the party receiving the telegram shall repeat it to the Chief Electoral Officer. This is a matter of great importance.

Mr. GUTHRIE: I would not think that was necessary. Occasionally, no doubt, mistakes are made in telegrams, but they are rather the exception.

Mr. CANNON: I think the suggestion made by my hon. friend (Mr. Jacobs) is a very good one. In the by-election of 1917 in the county of Dorchester I had the experience of what could be done with telegraph lines. I discovered all of a sudden that we could not send any messages or communicate with the outside world at all because the telegraph companies were in the hands of our opponents. The same thing might happen in the case of any other election.

Mr. GUTHRIE: If you could not send a message at all, repeating the message would not improve matters.

Mr. CANNON: Telegrams might be manufactured. As a matter of fact, we had a long discussion last year over telegrams in this House.

[Mr. McKenzie.]

Mr. CAMPBELL: I would ask the minister if this section would include wireless. Secondly, would it not be advisable to include telephoning in this section?

Mr. GUTHRIE: I do not think it would be safe to include telephoning because there is no record of telephone messages.

Mr. CAMPBELL: There is a record of wireless messages.

Mr. JACOBS: Bogus telegrams might be sent, and the suggestion I make is to obviate that. We should prevent as much wire-pulling as we can during an election.

Mr. GUTHRIE: It is only under very exceptional circumstances that this section is of any use at all. I think it has been the law of this country for many years and I never heard of a single case arising under it that caused any difficulty. You could cumber this Act with many conditions, but I think it is well to avoid that as far as possible so that we can get a plain, simple Act.

Mr. McKENZIE: Is this an exact reproduction of the section in the old Act?

Mr. GUTHRIE: This section is slightly modified in language to meet the change with regard to the new office of Chief Electoral Officer.

Mr. McMASTER: As a matter of fact, has this section ever been used in the last twelve years? Has it ever been found necessary to telegraph matters of this kind in connection with elections? Of course I do not refer to the last election. That was *sui generis*.

Mr. GUTHRIE: The section is much older than twelve years. It is practically a reproduction of section 313 of the Act of 1896.

Mr. McMASTER: The minister did not quite catch the import of my question. I asked whether it had ever been found necessary to make use of this section in the old Act.

Mr. GUTHRIE: I think there have been times when communications have been sent under the provisions of this section. It has been used, I understand, to communicate with the people of the Magdalen Islands, the Yukon and some other outlying districts.

Mr. PEDLOW: I cannot see any reason why there should be any objection to the use of the telephone being permitted under this section. The minister has stated that there is a record of telegrams sent, but not of telephone messages. Now telephone agents are required to transmit written messages just as are telegraph operators, and in a case