

men are not aware of the fact, is that the foundation of the voters' lists is the assessment rolls of the different constituencies. What is the assessment roll, and who has jurisdiction over it? It is a roll prepared under a provincial Act and the provincial legislature enacts concerning it. The very foundation of the franchise, then reverts back to the provincial legislature, and to provincial legislation. In order to make myself clear, I will repeat. It is that the provincial legislature enacts the law in regard to the assessment roll. The revising barrister under the old Act, in order to make his list complete and trustworthy, was of necessity obliged to refer to the assessment roll, a matter under provincial enactment. Therefore, having referred to a piece of legislation over which the provincial legislature has control, clearly the provincial legislature had some sort of control or influence over the franchise of the Dominion. The point I wish to make of that is this: that on that ground alone the Dominion Parliament had not full control over the whole of the franchise of the country, and, therefore, it must be conceded that the local legislature has some right to interfere and deal with the franchise. If that is conceded, I contend that the stand taken up by hon. gentlemen opposite, that the local legislature should not interfere in regard to the franchise or electoral lists fails. I contend that one of the cardinal principles enunciated by the British North America Act is that the franchise should be under the control of the local legislature of the provinces. That is one of the reasons I support this Bill. I contend that the principle enunciated in paragraph 7 is the cardinal principle, an invasion of which will work great harm. There is an abundance of precedents for the Government introducing a Bill of this kind. These precedents must be known and cannot have been forgotten by hon. gentlemen opposite, some of whom must have been members of this House during the introduction and passage of legislative enactments to which I now refer. The precedents for this Bill are as follows: Section 31 of the Imperial Act granting a constitution to Upper and Lower Canada. In that Act one of the grounds for disqualification was that a voter was within the description of a person disqualified by Acts passed by local legislatures. Undoubtedly there was a recognition of the principle that the provincial legislatures should have control of the franchise of the provinces. The next precedent for the introduction and passing of this Bill is the Act of Union between Upper and Lower Canada, 3 and 4, Vic. 1, chap 35, to which reference has already been made; 3 and 4 Vic., states:—

That until otherwise provided by the Legislature of the United Kingdom, the laws of Upper Canada, and the laws in force in Lower Canada in 1838 relating to the qualification and disqualification of voters, should be continued.

Mr. MORRISON.

There is the second recognition of this principle.

Mr. DAVIN. Does not my hon. friend (Mr. Morrison) see that that enunciates a directly opposite principle to that which he contends for.

Mr. MORRISON. The hon. gentleman (Mr. Davin) does not follow the trend of my argument, and that I regret very much, because it is his misfortune. I was very careful in giving the hon. gentleman the citation, so as to afford him an opportunity of consulting it which he has not evidently heretofore done. The third precedent for the passage of this Bill is in the British North America Act, section 41 of which states:

Until the Parliament of Canada otherwise provides, all laws in force in the several provinces at the union, relative to the following matters, or any of them, namely:—the qualifications and disqualifications of persons to be elected or to sit or vote as members of the House of Assembly or Legislative Assembly in the several provinces, the voters at elections of such members, the oaths to be taken by voters, * * * shall respectively apply to election of members to serve in the House of Commons for the several provinces.

There is another precedent which is laid down in the British North America Act, section 51. The fourth precedent is, that in 1871 the Acts adopting the provincial franchise for the Dominion elections were passed. The fifth precedent is laid down in 34 Vic., chap. 20; the sixth precedent is laid down in 36 Vic., chap. 27, passed in 1873; and in 1874 the Dominion Parliament adopted the various provincial franchises. I contend, Sir, that these are ample precedents for the action taken by the Government now. I think we can pin it down to one reason which I will repeat. The voters' list as at present when finally completed by the revising barrister is the foundation for the franchise, and against it there is no appeal. That voters' list, when finally revised and passed by the revising barrister cannot be attacked, even on the trial of an election petition before a judge of the Supreme Court. It is incontrovertible evidence over which you cannot get. What is the fact in regard to that? The list may have been prepared by an official who may have acted in the most dishonourable way—I do not mean to suggest that any revising barrister that we have to-day has resorted to these methods, but I wish to point out that such a thing may happen, and there are gentlemen in this House who have said that it has happened. It has not been done to my knowledge and I am simply speaking for myself. However, what I say is, that even should that list be prepared in the most dishonourable way, there is no recourse against it. Whether the voter on that list be de jure a voter or not, on the day of election he can demand to have his vote