

than that of the nation. We have been told again and again by hon. gentlemen opposite that this Parliament has the power to pass this Bill, that the constitution authorises us to pass it, and that therefore, because we have the power, we must necessarily have the right. I do not deny that we have the power; I admit that we have the power to pass such a Franchise Act; but I deny that it is at all expedient to deal with the question at this moment. I wholly deny that we are morally competent to pass an Act like this that radically changes our whole constitutional system. Hon. gentlemen opposite have read the clause in the British North America Act to show that the franchise existing under the law of the old Provinces was to continue to be the franchise of Canada until the Parliament of Canada otherwise provided, and they say that is conclusive evidence that it was intended Parliament should otherwise provide. If it were necessary that, by otherwise providing, a Dominion Franchise Act should be made, certainly it was the duty of Parliament otherwise to provide, and Parliament did otherwise provide. Under that law is our present franchise constituted? Under the law of the Provinces? Not at all; under the law of this Dominion. It was under the law of this Dominion, passed in 1874, that our last general election took place, and it was under that law the election in 1878 took place. Let us look for a moment at the law. The 40th election of the Dominion Election Act provides: Subject to the exceptions here and above contained all persons qualified to vote at the election of representatives in the House of Assembly or Legislative Assembly of the several Provinces composing the Dominion of Canada and other, and no others, shall be entitled to vote at the election of members of the House of Commons of Canada for the several electoral districts comprised within such Provinces respectively. It is under that authority our elections are held. That is the law of the Parliament of Canada as much as the Bill you have before you would be, if it passed this House and received the sanction of the Governor General. The Provincial franchises are the electoral franchises for this Dominion, in virtue of that law under the authority of this Parliament, and therefore it is a question of expediency and convenience whether this system shall be continued or not. I do not deny that we have the power; I say we have exercised the power, but it does not follow that we are bound to exercise every power we possess. We have the power of taxing commerce out of existence, but it does not follow that it would be wise or expedient to do so. We have the power of legislating that the property of shipping shall be transferred from those who now hold it into other hands without compensation. Would it be wise to exercise that power? We have the power of doing a score of things that would be atrociously unjust. To possess a power and to justify the exercise of it are two wholly distinct things. We have the power of saying that no man over 21 years old shall exercise the franchise, that no man with blue eyes, or that no man with red hair shall have the right to vote, or that the electoral franchise shall be entrusted to persons under 21 years of age. But because we have the power to do these things, it would be preposterous to conclude that we are called upon to exercise them. The basis of the authority of the Government would be destroyed by the very exercise of such powers. This system that we now have has been in force for 18 years; we have had five general elections under it. What abuses have grown up to show that we should change it? I think it is a sound principle in legislation that Parliament ought not to legislate except where necessity can be shown, and upon every one who proposes to alter a law, the burden of proof is to show that the change in the law, is necessary. Who has undertaken this duty in this case? I listened to the expository speech of 8 or 9 minutes of the First Minister, and did not find that he attempted to justify any

Mr. MILLS.

provision of the Bill or to discuss the merits of the question at all. He said a few words on the subject of woman suffrage, but not a word about Indian suffrage, not a word about proposing to confer votes upon unenfranchised Indians, residing on reserves and who are wards of the Government. Not a word did he say with regard to the other important features of the Bill, nor did he attempt to justify the measure, or show any necessity for it. He showed no abuse under the existing law as a justification of the change proposed. Two members on that side of the House undertook to justify these changes by a statement which applies rather to another part of the Bill than to that which is now before us, but which is strictly pertinent under the amendment of my hon. friend from North Norfolk. The hon. member for North Perth (Mr. Hesson) and the hon. member for West York (Mr. Wallace) said the change was necessary because the voters' list was improperly prepared by partisan assessors, that, in fact, the elections for municipal councils had degenerated into struggles for the appointment of an assessor. The hon. member for North Perth told us that his friends were successful in this struggle, that the majority of the assessors were on his side, but that they were partisans, that they were guilty of perjury, and were not to be trusted; that they were committing perjury throughout the country. In fact, he was so shocked at the perjury which had been committed in his own county by those who had been entrusted with the preparation of the voters' list, that he says this ought to be taken out of their hands and put into the hands of the fair-minded men whom the Government will appoint. Well, for my part, I would rather trust my case in the hands of those whom he called perjured partisans than in the hands of these fair-minded men whom the Government will appoint.

Mr. HESSON. The hon. gentleman is misrepresenting me. I never used the words "perjured partisans" at all. He has no right to misrepresent what I said, and to put in my mouth language not at all implied by anything which I said. What I said is upon the record. I do not wish to waste time by reading it, but I stated that I was perfectly satisfied that the elections were carried in the counties throughout Ontario upon partisan principles, and that the Reform party were responsible for that; that it was made the cry to look after the voters' lists, to see to the voters' lists. How could you do that unless it were done at first by the election of the council, and afterwards by the appointment of the assessors, and then the Court of Revision; and then there is a final appeal to the judge, and I presume that will be the same in the present case.

Mr. MILLS. The hon. gentleman knows that the assessor is sworn to do his duty. He represents the assessor as a partisan. He said the conduct of the assessors was so partisan that he desired to see the matter taken out of their hands and out of the hands of the council and put into the hands of the appointee of the Government. What is the inference? Is not the assessor sworn? Did he by his speech intend to imply that the assessor had acted honestly, that he had acted fairly, that he had discharged his duty and prepared a proper list, that his list was not a partisan list, that some names had not been unfairly left off and some names unfairly put on, contrary to the oath of office which the assessor had taken? If the hon. gentleman's observations did not mean that, they did not mean anything. That is precisely what his observations meant, they could not mean anything else, and I am satisfied that the assessors and the municipal councillors not only in his own county, but in every other county throughout Ontario will appreciate the slander which the hon. gentleman has here spoken against them. I know of but a single case of the character to which the hon. gentleman has referred. In my own constituency, there was a case of Mr. Craig, who was appointed assessor, and it was afterwards discovered that