

whatever was done, whether by mistake or otherwise, was done with perfect good faith and with a desire simply to carry out the law. Now, the facts are these: That when the revising officer sent his lists to the Clerk of the Crown in Chancery those lists contained a number of names which the revising officer had adjudicated upon, which he had decided should be struck off the list, and in relation to which there was no appeal. These were all erased in black ink; and no comment whatever was made. The votes about which there was an appeal and in relation to which the appeal was pending and undetermined, he drew a line through with red ink, and marked opposite the name "appeal pending," or something of that kind. Now, what follows with regard to the printing of the lists is this: The Clerk of the Crown sends the list to the Queen's Printer to be printed in the public printing establishment. When the lists are so printed from the original lists which he sends in, the proof sheets are sent to the revising officer for correction, and coming back corrected by him, the lists are finally struck off according to any corrections he may have made upon the proofs. The reprints are then sent to him, copies are given to the Clerk of the Crown, and to anybody else who requires them, and these lists, as so finally completed and printed, are furnished by the revising officer to the returning officer when the election comes on. Now, as I said when I diverted to state what the practice was as regards the printing of the lists, the revising officer sent the Clerk of the Crown in Chancery the lists with the names upon which he had adjudicated finally, struck off in black ink, the others which were the subject of an appeal, he drew a pen through with red ink, and marked them "subject to a pending appeal," or something to that effect. The Clerk of the Crown received those lists in that way and sent them to the Printing Bureau for printing; but the printers omitted every name, whether erased in black ink or marked through with red ink, as being subject to appeal, and the proof was sent to the revising officer with all these names omitted. The revising officer wrote to the Queen's Printer, calling attention to the fact that the omission of the names subject to pending appeal was not in accordance with the Franchise Act. His view of section 30 was that these votes, subject to pending appeal, should appear on these lists, for the reason, in his judgment, and certainly in mine, that they were entitled to appear on the election lists until the appeal had come on and a decision given by the county judge disallowing the right of the parties to vote. Under these circumstances, he considered that the list was not correctly printed, and he desired that the Queen's Printer should obtain an opinion from my department upon the question whether the lists had been properly printed or not. He called attention to section 30 of the Franchise Act, and said:

"If these cases of undecided appeals should not appear in some way on the face of the list of voters, the only way the returning officer could have knowledge of them would be by certifying in each polling division a list of the undecided appeals for that division. Do the Franchise and the Election Acts endorse these modes of procedure? I call your attention to these matters so that no responsibility may rest with me in case of a mistake. As there are 220 names appealed, it would be a very serious matter if any mistake should arise, and I would like very much if it were submitted to the Minister of Justice before you proceed to the printing of the lists."

Mr. MULOCK. What is the date of the letter?

Sir JOHN THOMPSON. 1st February is the date on which he returned the proof.

Mr. MULOCK. Is that the date of the letter?

Sir JOHN THOMPSON. That is the date of the letter from the revising officer to the Queen's Printer. The Queen's Printer wrote a letter to the Premier, enclosing that of the revising officer, and requesting the opinion of the First Minister, who was then Acting Secretary of State. The Premier transferred the communication to my department; and my deputy gave the Queen's Printer an opinion, that, inasmuch as the Franchise Act and the Election Act entitled these parties to vote, they should appear upon the list until a decision of the county judge as to their right to vote was rendered, but they should be marked and designated in some way to indicate that they are not ordinary voters but simply persons who remain on the list, subject to an undecided appeal as to their right to vote. Under these circumstances, and without any supervision on the part of my department or any other, these names, which had been marked by the revising officer as subject to pending appeals, were inserted in the electoral list marked "A," and a foot note gave the explanation that all voters so marked "A" were subject to pending appeal. That list so printed was sent to the revising officer, who of course had to decide whether it was in accordance with what he deemed to be a correctly printed list. The revising officer certified that to be a correct list, and handed it to the returning officer when the polling came on. I regret that when the hon. member (Mr. Mills) raised the question the other day, I had no idea he sought to raise a discussion on these appealed votes. I said the hon. gentleman's remarks took me by surprise, and I had never heard of the matter before. I would, however, have probably made the same statement even if I had known what he referred to, because I did not remember, if indeed I was ever aware of the fact, that an opinion had been asked from my department, I do not disown my responsibility for it—but this circumstance explains what I stated the other day in respect to having been taken by surprise. I should like to call the attention of the House for a moment to the sections of the Act bearing on the question, because my opinion is quite at variance with the hon. gentleman's view of the requirements of the law on that subject. The first section of the Act bearing on it is No. 21. It provides that in the event of any appeal—that is, an appeal as to the right to vote—

"Such list, after the publication of the last mentioned notice in the *Canada Gazette*, shall apply to every election, for such electoral district or portion of electoral district, taking place before such appeal has been disposed of and, the result thereof communicated to the revising officer, subject to the provisions of the Dominion Elections Act with respect to the counting of the ballot of any voter whose right to have his name registered as a voter upon any such list and to vote, or the exclusion of whose name from any such list as a voter is the subject of an undecided appeal."

I take it that this provision merely contemplates that when there is an appeal pending as to one's right to vote, he has the right, until that appeal is determined, to have his name appear on the list, because both this Act and the Elections Act clearly establish that he has the right to vote while the appeal is pending.