

I think the provision in the law is a good one. The hon. Secretary of State referred to the Wentworth election, where the candidate who had a majority of the votes, Mr. Seeley, lost the seat on account of the ballot papers being numbered by the deputy returning officer, and it was not shown that it was done through malice or evil intent, but he lost the seat.

Hon. Mr. FERGUSON—The successful candidate refused to take the seat, and there was another election.

Hon. Mr. ROSS—Yes, there was a new election, and Seeley was defeated. The identification of the ballot is a small matter compared with the right of the elector.

Hon. Sir MACKENZIE BOWELL—I do not think this clause refers exclusively to marks made by the returning officer. It refers to the scrutiny before a judge, and no matter what marks may be made upon the ballot, whether by any one, even the voter himself, by which he could be identified, is allowed to be counted. I propose to add 'except in such cases as to indicate who the party was that cast the vote.'

Hon. Mr. ROSS—How would you show it was a mark to indicate that?

Hon. Sir MACKENZIE BOWELL—That is for the judge to decide. If I saw the ballot, and knew who put the mark upon it I would know it. The difficulties referred to by the hon. gentleman who has just spoken, no doubt have occurred in Ontario. We had a case in the county of Hastings, and that was referred to by the Minister of Justice, being a nephew of the Minister of Justice himself. But that was one of the cases which shows, shall I say the dexterity of lawyers? There were two lawyers conducting this case. One was James Bethune, a very prominent and eminent counsel, and when the question came up before Judge Armour for consideration, he insisted that a marked ballot should be allowed; but when he took that ground he was not aware that there were other polling divisions in which the ballot had been numbered in the same way, and the counting of the whole of them or the disallow-

ing of them would have returned the Conservative candidate, and the judge was about annulling the election when the late John White, who represented East Hastings for some time, made this proposition to the judge:

I do not desire to occupy a seat in parliament unless I am legally elected. As you are about setting the election aside, annul it altogether, and let each party pay his own costs and we will fight it out again.

That was a suggestion made by a Conservative, although he could have been seated if he had taken advantage of the technicalities. He acted in a similar manner to Mr. Smith, of Wentworth. He ran over again and was elected by a good majority. I can see in this clause the opening of the door to any amount of fraud. Unless it be protected in some way, frauds will arise. My hon. friend the Secretary of State expressed great horror and surprise that the leader of the opposition should have so little faith in certain parties, and particularly in the Liberal party. We know where sheriffs in our province, in some districts, have been implicated in the grossest possible manner in these elections, and it is a very great misfortune that men who are exemplary in all other walks of life, when you come to the question of elections they do not think it any harm to perpetrate any amount of iniquity in order to gain their point. Fifty years experience in battling in elections has led me to that conclusion. If the amendment is rejected, I will move it again on the third reading.

Hon. Mr. WATSON—If the hon. gentleman refers to clause 26 he will observe that penalties attached to deputy returning officers who shall place such marks on the ballot. The clause reads as follows:

26. Paragraph (j) and the concluding paragraph of section 255 of the said Act are repealed and the following paragraphs are substituted therefor:

(j) being a deputy returning officer, places upon any ballot paper, except as authorized by this Act, any writing, number or mark with intent that the voter to whom such ballot paper is to be, or has been, given may be identified thereby; or

(k) manufactures, constructs, imports into Canada, has in possession, supplies to any election officer, or uses for the purposes of an election, or causes to be manufactured, constructed, imported into Canada, supplied to any election officer, or used for the purposes