

adopts a line that has never been adopted by hon. members in this House, namely, that it proposes to relax the clauses of the Election Act to secure the purity of elections and to open the door to a great deal of corruption. I will draw the attention of the House for a moment to clause 72 of the present Bill, which makes a very important and radical change in the law as it is at present. The clause reads :

72. Where there is no voters' list, if a deputy returning officer rejects the vote of a person entitled to vote and does so in good faith and believing upon reasonable grounds that such person is not entitled to vote, the deputy returning officer shall not therefor be liable to any penalty.

Under the law as it stands there is no room for the judge to interpret the intentions of the officers. If he violates the law he is held responsible and he suffers punishment under the law. Under this clause, however, in cases where there is no voters' list, it makes the deputy returning officer the absolute judge, and he can say to any person, I will not accept your vote ; if he declares that he did so in good faith, believing upon reasonable grounds that the person is not entitled to vote, he is relieved from the penalty that now attaches. I can scarcely imagine any more dangerous innovation so far as purity of election is concerned. The law lays down the circumstances under which a person is entitled to vote. The returning officer has no option in regard to accepting the vote, provided the person is willing to take the necessary oath which the law imposes, and the question as to whether it is a good or bad vote depends upon judicial proceedings taken afterwards. But in this Bill it is proposed to throw on the judge trying the case the responsibility of deciding, not whether the act is a legal or illegal act but what was the intention of the returning officer. I am sure it is only necessary to call attention to this clause and the effect of it to show that it can only operate so as to relax the security which every candidate now possesses, in that the acceptance or rejection of votes does not rest on the will and disposition of the returning officer.

Then we come to a matter which I think is still more important and is involved in clauses 126 and 130. Clause 126 is as follows :—

126. If, on the trial of an election petition, it appears to the court that an act constituting in law a corrupt practice was committed by a candidate, or with his knowledge and consent, but without any corrupt intent, and in an ignorance which was involuntary and excusable, and that the evidence showed the candidate to have honestly desired, and in good faith endeavoured as far as he could, to have the election conducted according to law, the candidate shall not be subject to the penalties and disabilities which he would but for this section incur.

Under the law as it now stands, if a candidate is found guilty of personally being

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engaged in a corrupt practice, he has to take the consequences of it ; but this clause is another modification of the Act as it now stands on the Statute-book under which the party pleading that although corrupt practice was committed by a candidate, or with his knowledge and consent, if he had not a corrupt intent, he shall go free. Who is to judge of the intent ? If the candidate commits the corrupt practice he must take the consequences, and under the present law he is obliged to bear the penalty, severe as it is ; but with this relaxation of the law all the candidate has to plead is that he had no corrupt intent, that it was involuntary and excusable. I contend that this clause again opens the door to great relaxation in the present law, and every one knows how difficult it is to frame laws that provide complete security against corrupt practices either on the part of candidates or of persons conducting elections. Then in clause 129 we have another novelty introduced. It is copied from the present Act, and is as follows :—

129. Every person other than a candidate found guilty of any corrupt practice in any proceeding in which, after notice of the charge, he has had an opportunity of being heard, shall, during the eight years next after the time at which he is found guilty, be incapable of being elected to and of sitting in the House of Commons, and of voting at any election of a member of the House of Commons, or of holding any office in the nomination of the Crown or of the Governor General of Canada.

That law, hon. members will see at once, is rendered practically nugatory by the additional clause, which for the first time makes its appearance in an Act for the election of members to this House—clause 130, which reads :

130. No person shall be subject to the disabilities set forth in the next preceding section by reason of a merely technical breach of the law, or by reason of any act which is not an intentional violation of the law and does not involve moral culpability or affect the result of the election.

This is throwing a very serious and new duty upon the judge who tries an election case. He has not only to decide what the law is and enforce the penalties which the law provides, but he has to take into account the moral culpability of the party, which involves, I say, a complete relaxation of the clause as it now stands on the Statute-book so as to a large extent render it nugatory.

I do not intend to go more at length into this Bill. I have drawn the attention of the House to what I regard as very great defects in it, and in fact I am at a loss to find anything in this Bill, from cover to cover, that is calculated to recommend it to this House. I direct the attention of hon. members to another point, and that is, that this Bill, so far as I am able to judge, has found no support anywhere. I may be wrong ;