

sections apply to corrupt practices, starting at about section 79 and continuing to section 85.

Mr. McKENZIE: We have always understood a corrupt practice as that which would unseat a member, but this section deals with a person who is guilty of slander, which is described as an illegal practice. We have a right to know what is meant by the term "illegal practice," because the punishment is applied to that which constitutes an illegal practice. Any one reading this would pre-suppose that the Bill contains a definition of the term and prescribes what the punishment is to be.

Mr. GUTHRIE: An "illegal practice" is well defined in this section. If any one transgresses the provisions of section 14 he is guilty of an illegal practice. Section 86 provides that any person who during an election commits a corrupt practice or an illegal practice shall ipso facto become disqualified from voting and incompetent to vote at such election. The second subsection provides that for every illegal practice committed, in addition to the disqualification the sum of \$100 and costs shall be forfeited.

Mr. J. A. M. ARMSTRONG: This section reads:

Any person who, before or during any election, for the purpose of affecting the return of any candidate at such election, makes or publishes any false statement.

Who is to determine that he makes a false statement? Anybody may make a statement during an election, though he may have no interest whatever in the election. I do not see that section 14 is worth anything; in my judgment, it might as well be struck out.

Mr. J. H. SINCLAIR: The expression "illegal practice" is used frequently throughout the Bill; on page 58 it occurs three times in connection with another matter. If it is necessary to give a definition of it, why not insert one among the other definitions?

Mr. GUTHRIE: Each section declares what is or is not an illegal practice under that section, and all illegal practices are punishable under section 86. I could not frame a definition broad enough to cover all illegal practices referred to in this Bill.

Mr. FIELDING: This provision has been in the law for many years and I suppose it is not worth our while trying to discover defects in it now. If my hon. friend will

read it carefully, however, he will see that the offence consists in making "any false statement." Now, a "false" statement may not be defamatory. A man may say that a candidate has blue eyes when in reality they are green. That would be a "false" statement, but not a statement of a defamatory character.

Mr. GUTHRIE: Subsection 1 has reference to false statements in relation to the personal character or conduct of the candidate.

Mr. FIELDING: It does not say that they must be defamatory. I do not think the clause is well constructed; yet it has been in the law for years, and as no trouble has been experienced I suppose we need not attempt to find trouble.

Mr. PARENT: If a newspaper company commits the offence referred to, who will be the guilty party? It would be very easy for a number of people to form themselves into a company in order to avoid the provisions of this section. Such a case does not seem to be provided for.

Mr. GUTHRIE: "Person" as defined in the Act would not, I suppose, include a corporation, because subsection (q) of the interpretation clause provides that "person" shall include elector, voter and candidate. But in general the term "any person" in our statutes would include a

9 p.m. company; such is the case under the Criminal Code. This section was specially drawn by Sir Allen Aylesworth when he was Minister of Justice, and I have no doubt that he very carefully considered the whole effect of it. It was discussed very fully in the session of 1908. The section as it appears in the Bill has been reproduced verbatim from the statute of 1908.

Mr. CANNON: What about a man who is not an elector, voter or candidate and who comes to a constituency during an election and makes false statements? He would not fall within section 14.

Mr. GUTHRIE: When we come to consider section 2, which now stands, it may be possible to improve some of these definitions. We might extend the term "any person" to include corporations, and to cover the points raised by my hon. friends.

Mr. McKENZIE: Section 14 says that any person guilty of an illegal practice may be brought up summarily, that is, before a Justice of the Peace on informa-