

ballot would be counted. With the ruling given by the court of Quebec, this new ballot paper is perfectly useless, because the law is going to be exactly as it was before.

Mr. MILLS (Bothwell). I think that the decision of the court in Quebec is that the marking of the cross within the disc is directory, and not mandatory, and it seems to me that there is a good deal to be said in favour of that view, because otherwise a man who marked his ballot with the intention of voting for a particular candidate and who marked it in such a way as to leave no doubt as to the party for whom he intended to vote, if he marked it outside the disc, according to one hon. member he would lose his vote, and, according to another hon. member he would be entitled to have his vote counted. Generally, we interpret the law in favour of the voter, and not against him.

Sir CHARLES HIBBERT TUPPER. I think the Act is pretty explicit on that point. The argument that prevailed with the House was the satisfactory working of this form of ballot in the municipal elections in some of the Ontario districts. In Ottawa, they have that sort of ballot. It was not laid down in the Act as obligatory to make the cross inside that circle, though that was part of the directory section of the Act; but it was supposed there would be less difficulty on the part of the nervous and uninformed elector in finding the proper place to put his mark. If the mark were put in the division where the candidate's name was, it would still hold good, though it was not inside the white portion; and I think all the advantage gained was that while, as in the old ballot, if the mark were found in the division, it would still count, this white circle would attract greater attention.

Mr. LAURIER. The result of the Quebec election showed that really the best system would have been to adhere to our old system, although that was not perfect. The people had become accustomed to it, and some of them made their mark in the division. The judge ruled his ballots out, but I am not prepared to agree with the construction he put upon the law, because I think those ballots should have been allowed.

Sir CHARLES HIBBERT TUPPER. So do I.

Mr. LAURIER. But the judge thought differently. If you allow the cross to be placed in any part of the division, what is the use of the new ballot. I quite understand that the idea was to bring the attention of the illiterate electors to this white disk, but it was found in Quebec that they marked the ballots according to the old method. In so doing, their ballots were legal, according to the construction of the

Mr. LANGELIER.

Minister of Justice, but illegal according to the judge, and the result is confusion worse confounded.

Sir CHARLES HIBBERT TUPPER. It would be impossible to construct an Act that would be similarly construed everywhere by everybody.

Mr. LAURIER. It may be that I am too much of a Conservative, and adhere to the old form.

Mr. SUTHERLAND. Is it a sufficient improvement on the old ballot to make it worth the amount of money we are asked to pay. I do not see that it is any great advantage. There is apparently no great genius displayed in its invention, and I object strongly to the grant of so much money for a form of ballot which has no greater advantage over the old one than this. It has been clearly shown that in practical use it is of very little advantage. Any official could have quite easily suggested the idea, if it was found in practice that the electors were liable to make mistakes under the old form. The patent would not hold against Parliament. There is no legal obligation, and the only thing which can justify this expenditure is the recognition of the great genius who did the work.

Sir CHARLES HIBBERT TUPPER. I do not think that no matter what view the House might take of the merits of this ballot, they would agree that we should ignore the claim of the patentee. It is quite clear that we were under no obligations to pay the patentee anything for the adoption of this invention, but Parliament decided, without any question, that it was worthy of adoption. I do not think that the leader of the Opposition would be inclined, from the experience in Quebec, to discard this plan or advocate the repeal of the Act. We cannot escape technical questions being raised with regard to any form of ballot that we may devise. It certainly will not be said that the experience of four elections is sufficient to show that the object we had in view has not been attained. No matter what opinion the House might express now, I do not think, after the decision we came to last session, that we should rely on our technical right of declining to award compensation to the inventor of this idea.

Mr. LAURIER. I think the hon. gentleman was right when he said that the Act last year was passed unanimously. I do not recollect that any objection was taken to it, but neither do I recollect that any mention was then made that this new invention would cost \$2,500.

Sir CHARLES HIBBERT TUPPER. It is not a large amount, if it is worth adopting.

Mr. LAURIER. I think that no mention was made at the time the proposal was first suggested—