

list, because the legislation of our province has said we will omit from the list any person found guilty of violating the local election law, but it does not go the length of saying that those who have violated the electoral law of the Dominion, which the province has not enacted, shall not be admitted to exercise the franchise. This is another anomaly which I think it is our duty to correct by the legislation under discussion.

There is also a class of persons against whom a disability has been provided by our provincial law, and it is an extensive class. I want to call the attention of the Solicitor General to this matter. Section 14 of the Provincial Act of 1897 provides that all those who agree and contract with the Government of Canada or the Government of the province of Quebec, shall not be entitled to vote and have no right to be placed on the electoral list. There is a special provision further by which it is provided that those names must be omitted from the electoral lists by the officers in charge. All those employed during the election are prohibited, under subsection 2 of section 14, from voting during the local election, and they will be prohibited from voting at federal elections. Also those who have been found guilty of offences against the electoral law. So, although the sub-amendment, which I have submitted, does not cover the cases of those which have been found guilty of infractions of the election law, still the fact exists there that if this law is passed without providing against that anomaly, we shall have the prospect of parties who have infringed the provincial electoral law being prevented from voting at our own elections, whereas those who have been found guilty of a breach of our own privileges will be placed on the electoral lists, and, being on those lists, will have the right to vote. I think that at all events we should meet the views expressed by the legislature of Quebec in 1897 and not deny the right to vote to provincial employees. My own idea, and I express it with all due deference, is that this law will be found unworkable and before very long will have to be changed. The right hon. Prime Minister wishes hon. members on this side of the House to suggest some expedient by which, while repealing the Franchise Act of 1885, some different provisions might be found from those which are submitted in this Bill. I think it would have been possible to frame a law by which we would not have been dependent upon the provincial franchises entirely for the elections of members of this House. It must not be forgotten that their revising barrister under the old Franchise Act was a very expensive official, and it would be quite possible to reduce those expenses without making such a drastic change as is proposed. For instance, I can easily imagine that an official entirely and all the time under the control of this Government might proceed to prepare an election list, which would be a Dominion

Mr. MONK.

list based on the provincial lists, and thereby two-thirds or three-fourths of the original work would be taken off his shoulders, and he might add to that basis or skeleton of a list such names as he might consider entitled to be placed on a Dominion list, and we would in that manner provide a uniform franchise throughout the Dominion. But there is, it seems to me, a difficulty that we shall always meet in connection with a scheme of this kind. The provincial legislature, when it comes to define a provincial franchise, must always have before its eyes the matters on which the legislature is called to legislate, the subjects which are within the provincial sphere. When the provincial legislature prepares a Franchise Act it must take as its guiding star, if I might use that expression, section 92 of the Consolidated Act, wherein are enumerated the classes of matters which come within the jurisdiction of the provinces; whereas, when we come to frame a Franchise Act for the Dominion we must have before us such a class of subjects as are enumerated in section 91, and we must see that all those members of the community who are interested in the matter within the power of the province under those fixed in section 92, enumerated in section 91, shall be amply represented here. I will give an example. Education is a subject exclusively relegated to the provinces, and it was within the power of the province under those circumstances to give representation, as was done in England, to the teaching body, the University. But when we come to the subject of coast and inland fisheries in section 91 of British North America Act of 1867, that is a matter relegated to the Dominion Parliament exclusively, and it is our duty to see that all interested classes are represented here. In consequence of this division of the sphere of action, of the powers conferred we will always find the provincial franchise defective to some extent, that it does not give the people of the Dominion the representation to which the people are entitled in view of the class of subjects over which we possess jurisdiction here. That is one of the reasons why before many years we shall be obliged to revert to the system, which I consider is the proper one, under which we control our own franchise, and that was the principle laid down by our constitutional Act. I do not go the length of saying, as my hon. friend from Cape Breton (Mr. McDougall) did, that under the terms of section 41 of the British North America Act we cannot now revert to the provincial franchises. I believe that is certainly the spirit of section 41, and there is a good deal to be said in defence of that proposition of my hon. friend (Mr. McDougall). But this much I do contend: that it was intended by the framers of our constitution that as soon as possible after confederation, with a view of welding the people together, with a view of making one people of all those who inhabited Brit-