

being used as a ballot paper at an election, to any person other than the returning officer.

Mr. AYLESWORTH. I do not know exactly the intent of this, perhaps I do not appreciate correctly what is in the mind of the hon. gentleman in moving this amendment. Apparently the object is to prevent any person who is engaged in the printing of ballots which are to be used at an election handing one of the ballots so printed to any person other than the returning officer. My impression is that this is covered already by a clause in the Elections Act. I should like to have an opportunity of being sure about that before discussing the amendment. In the meantime I would refer to the wording of the amendment. This is proposed as an addition to a clause in the present Act which creates an indictable offence and which is made by the section an offence rendering the person who commits it liable to a severe punishment, imprisonment for a period not exceeding five years, under either the existing section or the section as I am proposing to amend it. The offence which may render a person liable to this severe punishment is stated in the law as it stands to be the printing of a ballot paper which is capable of being used at an election with fraudulent intent. The hon. gentleman proposes to add to that paragraph of offences the act of a person who is engaged in the printing of ballots and is proven to have transferred, which I take to mean has handed over any ballot paper to such third person, with or without such intent. That is to say, he is proposing to create a new offence which may subject that man to a punishment of five years' imprisonment, although the man does the act which constitutes the offence without any fraudulent intent. That seems a very serious departure from the well known ordinary principles upon which the criminal law is established and administered, and unless there was some very clear reason for creating an offence of that character, subjecting a man to the possibility of so serious consequences, even although there may have been complete innocence of wrong intention on the man's part, I would hesitate very much before being willing to concur in such a proposal.

Mr. ALCORN. The act of transferring or handing over a ballot to any person other than a returning officer can by possibility have only one object, that is to procure that ballot to be used for some improper purpose in connection with the election for which the ballots were printed. Every man is presumed to intend the natural consequence of his own act. He transfers that ballot knowing it is against the law to do so and knowing that none but an improper use can be made of it. Therefore, I think it reasonable to say that doing what he knows to be an unlawful act he must

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intend the natural consequence of that act. It would not be necessary before a jury to prove the intent of his act, he does what he knows to be an unlawful act; and, therefore, I think the section is properly framed.

Mr. PORTER. I desire, in view of the exposures made after the last general election of 1904, when an effectual attempt was made to use in the general elections what was commonly known as the bogus ballot box, which has been discussed in this House, and with which hon. gentlemen are quite familiar, to move an amendment to this section of the Act, designed particularly against that class of fraud or crime in elections. I therefore move:

28. Section 255 of the said Act is further amended by inserting the following paragraph after paragraph (i):

i (2) manufactures, constructs, imports into Canada, has in his 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, uses for the purposes of any election, any ballot box containing or including any compartment, appliance, device or mechanism by which a ballot paper may or could be secretly placed or stored therein, or, having been deposited during polling, may be secretly diverted, misplaced, affected or manipulated.

In view of the disclosures that amendment, I think, is worthy of the consideration of the House.

Mr. AYLESWORTH. The law as it stands, and has stood for many years, quite covers the case which the hon. gentleman describes. Subsection (c) of section 255 compendiously states that every man who fraudulently puts into a ballot box a paper other than the ballot paper which he is authorized by law to put in is liable to the penalties of this section. The amendment which is proposed here is more elaborate in its terms and penalizes the man who has in his possession a box calculated to be used in a way to facilitate the fraudulent putting into it of a paper other than the ballot paper. There may be some object in spreading all these words upon the statute, I am not able to see myself what the object is, but I certainly have no objection if the hon. gentleman or any other member wants to amplify in language the provision which already is on the statute-book in that respect. The present provision, I may remind the committee, has already proved absolutely efficient in respect to the very matters the hon. gentleman has in mind. Punishment has been meted out in that connection, and no practical difficulty has, so far as I am aware, been suggested in dealing with an offence of the character the hon. gentleman has in mind under the law as it now stands. I