

friend proposes, namely, the subdivision of the districts alphabetically, but against the tremendous power you are putting into the hands of a nominee, just before an election, to divide the lists and make three or four subdivisions in a general division. Before whom is this to be done? There is no date fixed on which it is to be done. It may be done the night before the election or the morning of the election. It may be done in the dark. It is a dangerous power to give to any man who is a political nominee, just on the eve of an election, and in the heat of an election. I protest against it on that ground, and I would call the Solicitor General's attention to this fact. I may be mistaken in regard to this, but I think there was an amendment to the Electoral Franchise Act previous to the last revision which gave the revising officer power to do just what was done in the county of Cape Breton. If my hon. friend will turn to the Franchise Act of 1885, he will find that section 41 does restrict the number of voters in each polling district to 200, but, if he will turn to the amending Act of 1886, he will find that the words "two hundred" in that section are changed to three hundred. It says:

Section 41 is hereby amended by striking out the words "two hundred" in the second line thereof and inserting the words "three hundred."

The MINISTER OF MARINE AND FISHERIES. If my hon. friend will look at the Consolidated Statutes, he will see that the limit is two hundred.

The SOLICITOR GENERAL. What my hon. friend from Kent (Mr. McInerney) says is correct, but it applies only to the first paragraph of the section.

Mr. McINERNEY. What I was calling attention to was, that section 41 of the Act of 1885 limited the revising officer to putting 200 names on the list, but that that section 41 was repealed by section 11 of the Act of 1886—

The SOLICITOR GENERAL. Forty-one Victoria, chapter 3.

Mr. McINERNEY—which gave him the power of putting three hundred, instead of two—

The SOLICITOR GENERAL. I beg my hon. friend's pardon.

Mr. McINERNEY—By striking out the words "two hundred" in the third line thereof, and inserting "three hundred."

The MINISTER OF MARINE AND FISHERIES. That is the first part of the section.

The SOLICITOR GENERAL. In order to avoid difficulty, I think I can give a history of the legislation. The first law is 48-49 Vic., chapter 40, section 41, which fixed the number at two hundred, in the third line of the section. Then, by 48-49 Vic., chapter 3, section 11, "two hundred," in the third

line is changed to "three hundred," but the words "two hundred," in the concluding portion of the first paragraph of that section are not touched.

Mr. McINERNEY. That is perfectly true, and that is the right history of the law, as far as the hon. gentleman has gone. But section 41 provides that, whenever the number of voters in any polling district, as constituted under section 21, shall increase so as to exceed two hundred, they shall be divided. That was amended so as to provide that whenever the voters shall increase so as to exceed three hundred, then the returning officer shall have the power to divide.

The SOLICITOR GENERAL. That is right.

Mr. McINERNEY. But if my hon. friend will turn to section 18 of the amending Act of 1886, he will find it provides:

In the present year, 1886, it shall not be necessary, in any case in which the preliminary list of voters has been made for a polling district constituted under the laws enforced at the time of the passing of the said Act, and which does not contain the names of more than 300 voters.

That provides that in that year, in case it does not exceed three hundred, there shall be no division.

The SOLICITOR GENERAL. That is right.

Mr. McINERNEY. I am of the opinion, that in that way, and previous to the revision of 1894—the last revision, I think—there was an Act passed by this Parliament, giving revising officers the power of extending the list even beyond three hundred for subdivisions, and that, in accordance with that, the revising officer in the county of Cape Breton acted, and put this large number upon the list. I believe that to be the law.

The MINISTER OF MARINE AND FISHERIES. You will find it is not the law.

Mr. McINERNEY. Does my hon. friend think that these legal gentlemen in the different provinces, county court judges and others who make a study of these things, do not know the law?

The MINISTER OF MARINE AND FISHERIES. I am perfectly satisfied that, if the hon. gentleman will look at it, he will see what the law is.

Mr. McINERNEY. The point I make is, that shortly before 1894, there was an amending Act, authorizing the revising officers to put a larger number on the list than three hundred without subdividing. That appears to have been done under the amending Act of 1886. They were not bound to be divided when they found not more than three hundred on the list, and I believe it was done again, previous to 1894, by an Act of this Parliament giving the revising offi-