

By the authority of the precedent, because under the American constitution, which, in so far as the federation principle is concerned, is largely a prototype of our own, the regulating of the franchise for the election of members for Congress is not under the control of Congress.

Why, Sir, of course it is under the control of Congress, and expressly so, as was shown to-night by the hon. member for Westmoreland. The constitution says that it shall not go beyond the control of Congress, as my hon. friend quoted to-night. The right hon. leader of the House went on to say :

But it is embodied in the constitution itself, and is a fixed enactment, beyond and above the legislative powers of Congress.

I have been reading the debates that took place prior to the framing of the constitution. The able men who took part in those debates saw the evils that might arise from allowing the states to fix the franchise; but they were coaxing those states into a confederation, and they were afraid to take any other course than they took. As my hon. friend quoted it to-night, I quote it now, for the purpose of leading on to something else. The 4th section of the constitution reads as follows:—

The times, places and manner of holding elections for senators and representatives shall be prescribed in each state by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing senators.

Here the constitution itself does the very thing that my right hon. friend says was not done. But the most singular thing is that my right hon. friend went on to show that Congress could do the very thing which he said it could not do; for after recess he went elaborately into the instance of Congress doing it, namely, when at the close of the war the black vote was brought in. But now I am going to read to you what was said in the "Federalist," and what has not yet been quoted in this House, as a reason why it was possible for those wise men to agree to let the states fix the franchise for the federal House of Representatives, and it suggests a reason why we should not allow the provinces to fix the basis of our franchise :

Upon this clause, which was finally adopted by a unanimous vote, the "Federalist" has remarked: "The provision made by the convention appears to be the best that lay within their option. It must be satisfactory to every state, because it is conformable to the standard already established by the state itself. It will be safe to the United States, because, being fixed by the state constitutions, it is not alterable by the state governments, and it cannot be feared that the people of the state will alter this part of their constitutions in such a manner as to abridge the rights secured to them by the federal constitution."

So that you see that the great "Federalist" writer and statesman saw that it was a most extraordinary thing for a great par-

liament like the House of Representatives to give to lower bodies the power of fixing the franchise, which should be the matrix of what that great assembly would be. But he says it is safe, because as the franchise which they have is embodied in the constitution, it is not alterable by the state governments. The objection I have to the main principle of my hon. and learned friend's Bill after all is this, that he gives the provinces the fixing of the franchise which shall return members to this House. The main objection I have to it is not that it does not introduce uniformity, but that it gives to other bodies—I am not dwelling on the fact that they are inferior bodies, though we know they are certainly inferior in power and dignity—the fixing of the franchise which shall return members to this House.

Mr. MILLS. And the altering of it.

Mr. DAVIN. And the altering of it. Look at the state of things that was called to the attention of this House by my hon. friend from Annapolis (Mr. Mills). Look at the state of things that was called to our attention by the hon. baronet who leads the Opposition with regard to Manitoba. Look at the state of things in Manitoba that was brought before us by the hon. member for Marquette (Mr. Roche) this year. And I have one affidavit here by Mr. Ross, which I shall not trouble the House with reading, but which shows that under the present Manitoba Act he was refused the right of putting 165 electors on the lists, all of whom were qualified, and many of whom had been several years in the province. I appeal to my hon. and learned friend the Solicitor General, who has charge of the Bill, to pause. Surely he does not want to introduce legislation that in any one province will do a great wrong. Yet by this Bill he will impose on the Dominion, as regards the franchise in Manitoba, a system which even the Toronto "Globe" condemned at the time it was introduced, and which the Manitoba "Free Press"—an independent or rather a Liberal paper—condemned in the strongest and most emphatic language. I could read article after article from the Manitoba "Free Press" denouncing the present franchise law of that province as a most iniquitous law. I am not speaking now as a Conservative, but simply as a member of this House, and I ask hon. gentlemen who are in the majority: Is it right for them—it may strike themselves to-morrow—to force on the people of Manitoba a franchise for the election of members to this House which, as it has been managed up to the present, is steeped in trickery and has been the means of perpetrating untold wrongs on the electorate. The same language holds good with regard to Nova Scotia, and my hon. friend beside me (Mr. Martin) says with regard to Prince Edward Island.

The right hon. gentleman who leads the