

it was received by him from the revising officer, and also the list as it was printed. Difficulties have arisen to which I shall to-morrow ask the attention of the House, with the consent of the House and the leader of the Government. All I propose to do to-day is to call the attention of the House to the manner in which, I think, the list ought to be made up, as provided by the Electoral Franchise Act. The clauses of that Act which specially refer to the question of the preparation of the lists, and to the use which may be made of them when an election is being held before all the appeals are finally disposed of, will be found in sections 21, 22, 26, 30, 33 and 35 of the Act; and I will read those provisions to which I wish to direct the attention of the House, so that the House may see how far, if at all, they have been departed from in the preparation of the list, and in the list as printed. By section 21 it is provided:

"After the lists for the several polling districts in an electoral district have been so finally revised, they shall be certified in the form E in the schedule to this Act by the revising officer, and they shall be kept by him for the purposes of this Act, and a duplicate of each such list, certified as aforesaid, shall be transmitted forthwith by him to the Clerk of the Crown in Chancery at Ottawa, who, on receipt of all the said lists for any electoral district, shall, in the then next issue of the *Canada Gazette*, insert a notice in the form F in the schedule of this Act, on and after the publication of which notice the persons whose names are entered on the said lists as voters shall, subject to any correction or amendment made by any judgment on appeal, as hereinafter provided for, be held to be duly registered voters in and for such electoral district: Provided, however, that in the event of any such appeal, such lists, after the publication of the last mentioned notice in the *Canada Gazette*, shall apply to every election for such electoral district or portion of any electoral district, taking place before such appeal has been disposed of and the result thereof communicated to the revising officer, subject to the provisions of the Dominion Elections Act with respect to the counting of the ballot of any voter whose right to have his name registered as a voter upon any such list and to vote, or the exclusion of whose name from any such list as a voter is the subject of an undecided appeal."

By section 22 it is provided:

"After the lists of voters have been so finally revised, or amended, and corrected on appeal, if any such appeal takes place, and after they have been certified and brought in to force as hereinbefore prescribed and until other lists are, in a future year, as herein provided, revised, amended and corrected on appeal, if any such appeal takes place, and are certified and brought into force in their stead, those persons only whose names are entered upon such lists as so revised, amended and corrected on appeal as aforesaid, if any, shall be entitled to vote."

Then by section 26 it is provided that:

"The revising officer shall have power at any court or sitting held under this Act by him, to amend or give leave to amend, when he sees fit, any proceedings taken in reference to any list of voters."

The law proceeds on the assumption that it is of consequence in order to preserve the rights of electors to give full latitude for the removal of names that should not be on the list, and to secure on the list the names of persons who have the necessary qualification and are entitled to be there. It is assumed that the persons who are so entitled will not in every case be learned in the law, and that the strict proceedings of law and evidence shall not be enforced against them, and, if any blunder takes place, it is clear from this section that the revising officer shall have power to adjourn his court, to make the necessary amendment, or to give leave to make the necessary change or alteration in order to bring the party within the provision of the law if he is entitled so to be brought. Then section 30 of the Act provides as to the lists certified while an

appeal is pending, and it is just at this point, as it seems to me, that these lists do not conform exactly to the law. There are various classes of persons in regard to whom appeals may be pending, who may be differently circumstanced, and I think it is from the provisions of this section perfectly clear that these different classes of persons are to be kept distinct. It is also, with regard to this section, evident that some of its provisions are obscure, and it is only by looking back to the Acts which were in force before the consolidation took place that we can see with clearness precisely what is meant by some of the phrases employed in this section. It is said here:

"If, at any time when the revising officer is required to furnish or certify any list of voters to any officer or person, there is, with respect to such list, any appeal pending and undecided, or, if there is any appeal with respect to such list in which the decision, if given, has not been notified to the revising officer, the revising officer shall furnish such list as then last revised, corrected and certified by him, noting thereon the names of all persons who have been retained on the list of voters."

I wish to say here, before reading further, that it will be seen from the provisions of this section, that the lists as they are sent to the Clerk of the Crown in Chancery are not supposed to contain the names of any parties about whom any dispute has arisen, or about whom any appeal is pending, because the provision of this section is that, in case an election is about to be held on this list, before these questions are disposed of, then the revising officer shall append these names, shall note them on the list, a statement which makes it perfectly clear to my mind, that prior to this return, except as to the first class, these names are not there, and that the list sent to the Clerk of the Crown in Chancery contains the names of none of the others, of those persons whose claims are in appeal, but only the names of those about whose right to vote there is no dispute at all. The provision goes on to say:

"Noting thereon the names of all persons who have been retained on the list of voters, notwithstanding objection."

There is the first class, the names of all those who have been retained notwithstanding the proposition to strike them off--

"The names of all persons who have been struck off the list of voters."

That is the second class--

"And the names of all persons who have applied to be placed on the list of voters, and whose applications have been refused."

That is the third class. Now, as the next paragraph of this section reads, one would suppose that it constituted a fourth class:

"And noting also thereon the names of all persons who have appealed from his decision."

That is obscure as it stands, but, when we look at the 47th section of the Act, which has been embraced in this consolidated Act, the words are perfectly clear. They are these:

"And whose applications have been refused, and who have respectively appealed from his decisions."

That is, he does not note the name of every person who has been struck off, or of every person who has applied to go on and whom he has refused to put on, but so many of those as are appealed are noted--not all, but those who have appealed to the county judge, from the decision of the revising barrister, are noted. This is made clear by the 47th section applying to the preceding classes and