

appointed by the Government. It was said by the late Premier that the reason he had to repeal the law passed by the Mackenzie Government was, because the registrars and sheriffs were all officials of the Ontario Government, which Government was at that time opposed to the Government of hon. gentlemen opposite. If that was so good a reason, surely there are officials within the different ridings appointed by gentlemen on the other side of the House who could have discharged the duties of returning officer, and as everyone knows officials have some reputation at stake, and they have more regard for what is right, and are more careful not to do that which is wrong. The Government, however, appointed men without any standing as a rule—of course there are exceptions—and without a particle of qualification, so far as property was concerned. What are the results? Time after time we found fraud has been committed, here, there, and everywhere by these returning officers with a view of assisting the candidates of the party opposite. When was there ever a greater fraud perpetrated than in the case of the Queen's County, New Brunswick, election? Because, as I understand, the agent of the returning officer practically handed the money with his left hand instead of the right, because in fact the money was not handed by the officially appointed agent, therefore the returning officer returned to the House a gentleman who had a minority of seventy, and the hon. gentleman who now sits in this House only gets light after a long period of four or five years, as to his right to be here as the representative of the people. Then we have the case of West Northumberland. The hon. member for that constituency (Mr. Hargraft) knows all about it, and perhaps it would be as well for me not to enter into it. But to show you the effect of the criminal carelessness and negligence of the returning officer, I may state that but for the honesty and uprightness of the County Court judge, Mr. Benson, of Cobourg, that hon. gentleman would have been counted out, and the will of the people would have been defeated. I have been told that so enraged were the people at the outrage perpetrated, no doubt with the connivance of the returning officer, that there was danger of bloodshed had the elected candidate been unseated. While the ballot boxes are in the possession of the returning officer, he leaves them everywhere and anywhere, so that they can easily be tampered with; then he closes his eyes and turns his back, so that ballots can be abstracted and others put in their places. In West Northumberland the official declaration was made on the 9th of March, when the hon. member sits in this House for that constituency was declared elected. Then a recount was asked for and held. It was found that in polling division No. 1 of Cobourg six ballots were marked for the hon. gentleman, but they were not initialled, and the counsel for the defeated candidate asked that these ballots be rejected, though the scrutineer and the deputy returning officer were both positive that every ballot placed in the ballot box had been initialled. At polling division No. 2, nineteen ballots were similarly found without initials, of which seven were marked for the hon. member who now sits in this House. At polling division No. 10 of Hamilton, eight ballots were found for the hon. member without initials, although the deputy returning officer and the agents all swore

that when the ballots were placed in the box they were properly initialled; and so on all along the line. The counsel for the defeated candidate appealed to the judge, saying: You must see for yourself that these ballots are not the ballots that were placed in the box at the time the election took place. The learned judge said that he could not take judicial notice of that fact; it was perfectly clear that they were not the same ballots, but there were no evidence of the fact, and therefore he very properly refused to reject these ballots. Then, take the case of the hon. member for South Grey (Mr. Landerkin). He told us the other night of the iniquitous frauds that were perpetrated upon him—why? Because when a recount is ordered the returning officer carelessly leaves the ballot boxes anywhere, and, as I said before, shuts his eyes and turns his back, and thus practically invites people to come and commit frauds whereby hon. gentlemen in some cases are nearly defeated and altogether defeated in others. We have also the cases of Nicolet and Montmagny. In all such cases frauds have been perpetrated, I will not say actually by the returning officer, but under circumstances of criminal carelessness and negligence on the part of the returning officer. Now, I propose to ask this House to throw upon the returning officer the onus of showing that while the boxes are in his legal possession, he must account for them. In other words, if any tampering with the boxes takes place while they are in his legal possession, the onus is thrown upon him to prove that he is perfectly innocent. Unless we have some such law as this, we shall never have an efficient protection against such frauds as those which have taken place. I know by my own observation that the ballot boxes lay on the counter of the returning officer, and could easily have been got at, and the expressed will of the people defeated; but in that case the returning officer was honest and upright. I do not say that all the returning officers are dishonest; far from it. I had reason to express my perfect satisfaction with the returning officer who presided at my recent election. But the Government opposite seem willing to appoint men as returning officers who are without standing or position, and who do not care what happens so long as their party is returned to power; and so long as hon. gentlemen opposite appoint men of that calibre, we must have some more effective law than we have at the present time. Therefore, I desire to move:

That the said Bill be not now read the third time, but that it be referred back to a Committee of the Whole House to insert therein as an amendment to chapter 8, Revised Statutes of Canada, after the word "fine" in the last line of the 100th section, the following:—"And whenever it shall be proved before a court of competent jurisdiction, that the ballot box or its contents has or have been tampered with during the time when such ballot box or its contents was or were in the legal possession of the returning officer, election clerk or deputy returning officer, then such returning officer, election clerk or deputy returning officer shall be liable to the fines or penalties, or both, provided by law for offences under this section, unless such returning officer, election clerk or deputy returning officer, as the case may be, proves to the satisfaction of such court that the offence with which he is charged was committed without his knowledge or consent, assistance or connivance."

Sir JOHN THOMPSON. The Bill has been in Committee twice, and the hon. gentleman, therefore, had two opportunities of bringing to the notice of the Committee the amendment he now proposes.