

the elector has the right to vote under section 63. I am referring now only to urban divisions. If under this Bill a man does not vote at an election, it is purely his own fault. I do not care how partisan or corrupt an officer may be, the man's right to vote is there, and he can vote.

In a rural division the registrar has to make up the list and sit for five days thereafter to hear complaints. Let us assume that he is a man of evil disposition, is thoroughly partisan, and intends, if possible, to be a wrong-doer. A man in the rural section comes to have his name put on the voters' list and is refused. That is the worst that can happen to him there. He may still on election day go to the poll, take the oath, mark the ballot, and vote just the same as an ordinary elector. If under the provisions of this Bill any man loses his vote he has no one to blame but himself, because no amount of partisanship or wrong-doing can deprive him of exercising his right to vote if he insists on doing so.

The Government has been criticised on the ground that this is rather an open door method. Prominent members of the Opposition have said to me, "I do not like that; it is too open." My hon. friend the leader of the Opposition was not in the House when the War-time Elections Act was under discussion. Had he been here he would have heard my hon. friend from Halifax (Mr. Maclean), and the then member for Victoria and Carleton (Mr. Carvell) denouncing the Government of that day because it would not adopt this system, but preferred the system of the "tied ballot." Under that Act a man could not get his vote in the ballot box; he could only tender his vote, but it would be kept in an envelope and not counted. But this is the open system, whereby every man and woman is absolutely assured of the right to vote; nothing can deprive them of that right but their own inactivity.

I have heard the suggestion made that it would enable a party of automobilists to go out of a city like Toronto into an adjoining rural constituency and plump in their votes by merely taking the oath under section 63. If that objection has any merit at all the Government does not insist upon this particular system. The Government is not adopting it for anything it can gain by it; it was inserted for the protection of hon. members opposite.

An hon. MEMBER: Thank you; that was very kind of the Government.

Mr. GUTHRIE: If the Government wanted to take an unfair advantage it could do so far more effectively, but the Government is trying to be absolutely fair, and if any hon. member by searching this Bill line by line, and clause by clause, can discover the so-called joker or Ethiopian in the wood-pile, I can assure him that if he points it out it will be removed. But I challenge any hon. member to point out any opportunity for wrong-doing under this measure.

I would further say that if my hon. friends ask to have deleted that clause which gives the elector in rural districts the right to cast his vote upon taking the oath under section 63, it will be stricken out. It is not put in for the protection of the Government, but for the protection of those who do not control elections.

In regard to the appointment of returning officers, it will be remembered that a committee of this House held an investigation some years ago to devise some better means of making such appointments. That committee could devise no better means. We had thought of having the House make the appointments of returning officers, but when that proposal comes down to the final analysis it again is appointment by the Government. It has been said that we should allow these appointments to be made by the judges.

Mr. ROSS: Hear, hear.

Mr. GUTHRIE: My hon. friend from West Middlesex says, "Hear, hear." I take distinct issue with him. I agree that a judge is the proper man under an election Act to settle legal rights if disputes take place; but I would emphasize the desirability of keeping the judiciary of this country away from the ordinary machinery of elections. What would happen is this—and it will happen in Ontario if the present proposal of the Ontario Government is carried out, as I understand it from the newspaper reports of yesterday—if you give to a judge power to appoint returning officers, be he ever so fair and judicial in his appointments, a mistake will happen at some place, there will be wrong-doing some time or other, and the first man to be blamed will be the judge, with the result that you will have the judicial robes trailed through the political mire. So far as I view it—and it is no business of mine to criticise a measure introduced by the Ontario Government—the weakest point in their proposed system is that they make the county judge the president of the Election Board and that board appoints the returning