

motive. I have had an opportunity of going over these proposed amendments with the hon. Solicitor General. I do not know how it is possible to superadd to the power of the county judge of simply recounting the votes, the power to enter upon a scrutiny which the Superior Court has now under the Controverted Elections Act. The only possible mode of proceeding is under the Controverted Elections Act. I want to point out that if you proceed under the Controverted Elections Act, you will have thirty or forty days longer, and you will file a petition without having reference to fraud. You can confine your petition entirely to the qualification, and you can in that way simplify the proceeding by confining it to a scrutiny, and you can give ample notice to both sides as to what votes are going to be contested. I will tell you my doubts which justify me in opposing this amendment and how insuperable the difficulties appear to me. Here, you would have four days within which the recount must be applied for. In any ordinary rural county, such as I represent, and such as the hon. gentleman represents, it is utterly impossible for him, or for myself, to know at the end of four days how many votes have been challenged, whose votes have been challenged and whose have not. I cannot know within four days. If an election were to take place in November, or in the winter, when travelling is bad, I could not possibly know. I could not get any particulars of the different ballots which had been challenged, or the grounds upon which the voters had been challenged. Suppose I were the defeated candidate and I made an application to the county court judge to have a scrutiny as well as a recount, surely I would have to furnish particulars as to the names of the parties whose votes I intended to scrutinize. That would be an impossibility in the time left to me. On the other hand, suppose I were successful, and my hon. friend was attacking my seat, and he applied for a recount and a scrutiny, and I got notice on the fourth day, and wanted to make a counter petition, how am I going to get sixty or seventy names that voted for him and that I object to. I could not possibly formulate a counter-petition in the time.

Mr. McNEILL. How many days will it take?

The MINISTER OF MARINE AND FISHERIES. In a large rural district, where there might be fifty or sixty polls, where you would have to go over the different votes objected to and carefully examine the evidence, it would take a couple of weeks, I suppose. You would have to have petition and counter-petition and particulars and counter-particulars delivered to each side, and allow a reasonable time for the parties to send out and get their witnesses. It would be a regular contest lasting for weeks, perhaps. Here we have a simple

provision for remedying the evil which might arise from an improper counting by the deputy returning officers, and to superadd cumbrous machinery to that would simply spoil the entire effect of it. Everything my hon. friend (Mr. Martin) seeks to obtain can be obtained by a simple petition under the Controverted Elections Act, limiting the petitions to a scrutiny, and you can file another petition for bribery and corruption afterwards if you chose. I appreciate and sympathize with the object of my hon. friend (Mr. Martin), for his object would necessarily be my object, namely, to have the improper votes determined to be improper at the earliest possible moment, but I do not think it can be done in the way he suggests. I think it can be done the other way although it might take a longer time, but no longer time than is essential to enable the parties to marshal their witnesses. In bribery and corruption charges there is immense delay, because candidates have to be examined and particulars and counter-particulars have to be furnished, but such delays are not necessarily incident to a simple petition for a scrutiny. I take it, that a simple petition for a scrutiny could be got through with, with very much less delay than a petition for an election trial on the ground of ordinary bribery and corruption. If my hon. friend (Mr. Martin) can satisfy the Solicitor General that he has a feasible scheme that can be worked out, I have no objection to seeing it done, but I have not been able so far to satisfy my own mind that it is feasible.

Mr. MARTIN. There is a good deal in what the hon. gentleman says, but I do not think his objections are insuperable. The amendment does not propose to go into bribery and corruption at all.

The MINISTER OF MARINE AND FISHERIES. I understand that.

Mr. MARTIN. If there is anything in the objection that the time is too short, it would be a very simple matter to extend the time, if necessary. I do not think there would be much difficulty in making up these lists of objected votes to be submitted to the judge at the recount, because on declaration day the ballot boxes are open, and besides that, a week before on the eve of election day, the poll-books are in the hands of the agents of both candidates, and every one of these names in the different polling divisions would be closely scrutinized. If there had been improper voting by those who had no votes, and whose ballots had been initialled, then, as soon as the election was over they would closely look over the poll-books in every division and get the names of the persons who were objected, and which is to be scrutinized before the county judge. The hon. gentleman knows that it is only these initialled ballots of persons whose names have been marked