

BILL AMENDING ELECTIONS ACT

Hon Mr. Aylesworth's Clear Statement of Necessity for Proposed Amendments.

Ottawa, May 5.—When the House of Commons met today Premier Laurier, in accordance with his promise of Monday, mentioned the legislation still to be introduced this session. The list includes the following: A resolution in respect to aid to the Hudson Bay railway; An Act to Extend the boundaries of Manitoba; An Act to Amend the Civil Service Act; An Act to Amend the Grain Inspection Act; An Act to Amend the Dominion Lands Act; An Act in Respect of Chinese Immigration; An Act to Amend the Customs Act and an Act in Respect to the Yukon Council. The last mentioned will make a combined election instead of only partly elective as at present.

Hon. A. B. Aylesworth rose to move the second reading of "An Act to Amend the Dominion Elections Act." Mr. Aylesworth mentioned the necessity of the bill, when it was introduced two months ago, since it had been considerably discussed with reference to the measure. It had been limited largely to the first clause. In view of these circumstances, and subject to what other members of the House might have to say with reference to the bill, he would limit himself to the present to a discussion of the provisions of that section, leaving the other provisions to be discussed either this session or in committee of the whole.

As to Voters' Lists.

The first clause of the bill deals with the question of the voters' lists and the franchise in a very considerable portion of the Dominion. For the purpose of classifying the method of preparation of the voters' lists, one might divide the Dominion by a line between the provinces of Ontario and Manitoba. Speaking in the rough the whole of Canada east of that line prepares its voters' lists with the aid of the assessment or valuation roll of municipal locality as a basis of the list, while all the Dominion to the west of that line prepares its lists upon a system of registration and without reference to the assessment roll. Mr. Aylesworth sketched briefly the various changes which have been made in the franchise law up to 1888, when the present law, adopting the voters' lists prepared by the various provinces, was adopted. Upon that occasion he said the opposition of that day put itself upon record in the form of a substantive motion against the second reading of the bill and in favor of the principle that the Dominion should have its own franchise, that the Federal House should not under any circumstances part with the preparation of its own voters' lists.

Upon the government side it was contended that the voters' lists prepared upon the basis of the assessment roll are a guarantee of substantiality and fairness. These municipal councils, consisting of seven or seven men, are necessarily acquainted with all the families in the district, and were in a position to make good lists. Then there was the assessor with certain no inducement to omit from his roll any land owner liable to be taxed. There was the guarantee that every man who ought to pay taxes would find his name placed upon the assessment roll. There was, in addition, a local body consisting very probably of opposite political parties engaged in the work of revising the assessment roll. It was pointed out at that time, in an observation made by the present leader of the opposition, that if the time should come when any provincial government or provincial legislature should, by its legislation or by its administration of that legislation, interfere with the course of the preparation of the lists or that there was ground to fear that the lists were not of a fair and satisfactory nature, then the Federal House always had it in its power to require control over its own lists and its own franchise and to prevent the apprehended evil from taking place.

The "Difficulty" in Manitoba.

"At the last general elections in 1904," continued Mr. Aylesworth, "there was difficulty, due to a misunderstanding, with reference to the voters' lists in the province of Manitoba, particularly in that province. More especially there, perhaps elsewhere as well, but a difficulty which had its origin out of the system of preparing lists which under the Manitoba statute and under the method in which that statute was administered had of necessity arisen. These lists were not based upon the assessment rolls. These lists were prepared upon a system of registration, personal registration, of the part of the voter if possible, but not necessarily personal registration, provisions being contained in the statute law for registration of a voter without personal application in circumstances that the statute describes. The general outline of their system of preparing voters' lists was that registration clerks were appointed for various constituencies of the province, and the work of the registration clerks in forming the basis of the voters' lists was afterwards revised by a board of registration which upon the face of the statute might consist either of county judges or of barristers of three years' standing. Those lists were necessarily prepared under the system obtaining in Manitoba with reference to the various electoral districts as laid down for provincial purposes. Now what is the consequence? For purposes of representation in this House the whole province of Manitoba is divided into nine constituencies, while for the purpose of representation in the provincial legislature of the same province, we have the same territory divided into forty constituencies. For every Dominion constituency there are four provincial constituencies, the boundaries are not coterminous. I do not know whether in any single instance any Dominion constituency is composed of just four or just three or

just five or exactly any other number of provincial constituencies, but I am certain that in no single case is any constituency as defined for Dominion purposes composed of exactly a certain number of provincial constituencies. The result is that throughout the whole province there is an overlapping. A Dominion constituency would have round its borders an outstanding fringe consisting of persons of various surrounding provincial constituencies. In many instances boundaries of individual polling subdivisions in provincial constituencies would not be coterminous with the boundaries of a Dominion constituency either.

A Maze of Difficulties.

"So you have as a consequence men registering and voting in the same provincial purposes upon voters' lists prepared for a particular polling subdivision or for a provincial legislative constituency, who would not be grouped together for purposes of a Dominion election. Now under the system of registration as distinct from the system of preparing voters' lists with the assessment roll as a basis, you have voters' lists prepared for various provincial constituencies divided, not into polling subdivisions, but into registration districts, and registration districts do not necessarily correspond with the polling subdivisions. They may do so or they may not do so. But a group of voters brought together by the registration division upon one piece of paper and certified to as the qualified list of voters for a particular registration district, consist, it may be, of men who vote in more than one polling subdivision. But more than that, and worse than that, those voters are not, in my opinion, necessarily the majority of instances designated by the ownership of a particular piece of property. In some cases, possibly, in the greater number of cases, the voter's post office address is given, but in a great many instances, in a very large percentage of voters' lists throughout the province, not even a post office address is given, but simply the name of the man entitled to vote. I have before me ordinary sample sheets of these lists, which are happily lay upon the table and hon. gentlemen may see them for themselves. The lists that I have before me entirely at random. These were, I may say, presented before a committee of the House, which made an enquiry into this matter two years ago, and in that way came before my notice these lists which have been in my possession since. These two are before me are the first of the voters' lists in order that I shall read the caption in order that you may see exactly what the list, as codified by the provincial authorities to the clerk of the House, is, and what, exactly, information and the whole of the information, which anyone having such a document before him, would possess in regard to the voters, whose names appear on

The Inadequacy Shown.

"It is headed: 'List of Voters, 1903: Provincial Electoral Registration District No. 1.' There is no reference to any poll but simply 'registration district No. 1,' and that in provincial elections is the designation of St. Boniface. It contains 226 names. To show how these names appear, I will read the first one, 'Anderson, Eric, Louise Bridge, mason.' That is the identification of the voter and that is the case in respect of all the names throughout the list. The voter's name, his post office and his occupation are given with no other reference whatever to the property in respect of which he votes or to the exact place where he may live. On that list, as a matter of fact, all the names enumerated are of men entitled to vote in the electoral district of St. Boniface without check. Those who are entitled to vote in the adjoining electoral district of Provencher, of 1904, have referred to making their provincial voters' lists revisable at regular annual intervals are no longer at the disposal of the government of the province. The effect was at once to make the provisions of our legislation, which authorized the Dominion authorities to prepare lists for the province of Manitoba, no longer applicable to the Manitoba lists, samples of which I placed before you a few minutes ago. These Manitoba lists, which had been prepared for another purpose altogether. They had been prepared for the Dominion purposes, and they were not prepared by officials who were engaged in the work with any idea of their being used in the Dominion elections. They were the same as the provincial lists, but with no other thought than the provincial limits. I have mentioned, and the consequence was their absolute inapplicability for the practical purpose of conducting an election on those lists which, by a change of the provincial law in the spring of 1904, became under the terms of our legislation in 1908 the lists upon which the Dominion elections had to be carried on. The returning officer had no guide in the province. He is under an obligation to send his deputy to the polling place, to give him no kind of direction or information as to how he can compile the list. If the returning officer in the few weeks which remained before polling day set himself to obtain all the information he has or is able to obtain, and having so obtained it, had written down name after name upon sheets of foolscap, and then, from the printed form which had come to him from Ottawa, and had sent him back to the polling place, to his different subdivisions, no man or any perversion or distortion of the law could have been more flagrant than as having transgressed his

Registration Annually.

"Now in the spring of 1904 the Manitoba legislature made a change in its law. The Manitoba legislature by a statute of 1904 repeated the provision of the voters' lists which had therebefore existed in the province, and provided that the first and only annual revision of the lists should be made annually. It is true it was a sort of peculiar registration but it was not registration in the ordinary sense. It was not registration requiring each man who claimed the right to vote to appear before an official appointed for the purpose and state his claim; but it was the taking of existing lists by the clerk and adding to such lists or a revision of them on his part by making the lists of the district of St. Boniface without check. Those who are entitled to vote in the adjoining electoral district of Provencher, of 1904, have referred to making their provincial voters' lists revisable at regular annual intervals are no longer at the disposal of the government of the province. The effect was at once to make the provisions of our legislation, which authorized the Dominion authorities to prepare lists for the province of Manitoba, no longer applicable to the Manitoba lists, samples of which I placed before you a few minutes ago. These Manitoba lists, which had been prepared for another purpose altogether. They had been prepared for the Dominion purposes, and they were not prepared by officials who were engaged in the work with any idea of their being used in the Dominion elections. They were the same as the provincial lists, but with no other thought than the provincial limits. I have mentioned, and the consequence was their absolute inapplicability for the practical purpose of conducting an election on those lists which, by a change of the provincial law in the spring of 1904, became under the terms of our legislation in 1908 the lists upon which the Dominion elections had to be carried on. The returning officer had no guide in the province. He is under an obligation to send his deputy to the polling place, to give him no kind of direction or information as to how he can compile the list. If the returning officer in the few weeks which remained before polling day set himself to obtain all the information he has or is able to obtain, and having so obtained it, had written down name after name upon sheets of foolscap, and then, from the printed form which had come to him from Ottawa, and had sent him back to the polling place, to his different subdivisions, no man or any perversion or distortion of the law could have been more flagrant than as having transgressed his

Not to the Other List.

"The other list I have is similar: 'List of Voters, 1903: Provincial Electoral District of Morris; Registration District No. 1.' There are 120 names on the list and of that 120, 77 are in Provencher and 43 in Macdonald, as divided for Dominion purposes. If any one taking up this paper without local knowledge entered upon an effort to discriminate between voters who were entitled to vote in Macdonald and those who were entitled to vote in Provencher, it would simply have to abandon the effort as absolutely impracticable because, in this case, we have no post office whatever. We have in some instances a reference to the section upon which the voter, presumably, is to be found, or which, at any rate, he may be supposed to own. But we have no other information given than that these voters, whose names are here recorded as voters, are some of them farmers and others blacksmiths. Their occupations are given throughout with simply a reference to some particular and nothing else.

The Same Throughout Lists.

"These are ordinary samples. In some instances the list is given; in other instances no list will appear from one end to the other of the list. It depends, I presume, on what was the habit of the registration clerk in taking the necessary information and recording the names in the first instance.

"In that position of matters, I ask the hon. member to reflect that it was to be done by the man who received the registration list in the fall of 1907, requiring him to hold elections in Manitoba for the purpose of representation in this House. Under the law, the returning officer was required to send his deputy to the polling place, to give him no kind of direction or information as to how he can compile the list. If the returning officer in the few weeks which remained before polling day set himself to obtain all the information he has or is able to obtain, and having so obtained it, had written down name after name upon sheets of foolscap, and then, from the printed form which had come to him from Ottawa, and had sent him back to the polling place, to his different subdivisions, no man or any perversion or distortion of the law could have been more flagrant than as having transgressed his

statutory duty or as committing any offence against the law of the land. In this case the returning officer probably never thought of writing out the list for each separate poll. They were through those lists and endeavored to mark those voters who did not belong to their respective names. They used red ink for that purpose, and we find from that day to this charges upon every platform and in every newspaper in the country, upon the conventional catch phrase that somebody committed 'that red line'.

Manitoba Had to Do the Same.

"The government of the province of Manitoba had to do, in the rearrangement of its own lists for the purpose of its elections presently, the same kind of work. Their officials did it with black ink and that is the only difference.

W. J. Roche (Cons., Marquette).

"Will the minister of justice say who did it with black ink; what class of officers did this kind of work; was it the Conservative organizer or the Liberal organizer that did it in the other cases? As a matter of fact, it was done by the judges of the province."

Order.

"I cried a number of members."

Mr. Aylesworth.

"I must ask my hon. friend from Marquette to acquire me of any attempt at discourtesy if I do not answer or if I do not answer what he has said, because it is my misfortune to be quite unable to hear."

Dr. Schaffner (Cons., Souris).

"You do not want to hear."

Mr. Speaker.

"That is quite an improper remark."

Not a Question of Ink.

"Mr. Aylesworth—I am not making the least attack on the officials of the legislature of Manitoba in what I have just said. I am saying that at the moment necessary. It was a thing which could possibly be avoided. I certainly have been equally well pleased if instead of being black it had been red. The use of a black line or a red line provides for this very purpose. In section 5, subsection 6 of the Elections Act of Manitoba, provision is made for the drawing of a line with black or red ink through the name of any person to be removed from the list of electors or from the list appearing on the register, but in such a manner that the name can be read and distinguished and that it remain legible although indicated in some manner not belonging to that particular voting place or that particular constituency. Now the doing of this work is the changing of names by some person, a necessary duty as I think, in consideration of the condition of law at the time made at once deplorable. No one, I think, pretends that the Dominion Election Act ever, in contemplating the necessity for any person to be removed from the list, for any official, judge or other, to take that course. But the necessity of it and the reasonableness of it, would, I think, apart from the part of party conflict in this country, not be questioned by any sane man. Let me say what will be, I have no doubt, in the memory of my hon. friend Mr. Knott, who was a member of the committee to which I have already referred, that in the spring of 1904, when the law was made, during several weeks of the spring of 1904, we had before us a number of gentlemen from the city of Winnipeg who were legal men and who had been by their experience in the courts through this whole business one or either side. Mr. Knott, who had been solicitor for the prosecutions which were launched against the returning officers in connection with the cases I have described, and Mr. Howell, who had been counsel for the defendants in the transactions, each was examined and Mr. Knott exactly what had been done and what had been complained of and pointing out what was undoubtedly a thing in the world for these returning officers to have done, and Mr. Knott, with all candor, said he considered it was perfectly reasonable, and the question was whether or not it was legal. The question was the legality of what was done and whether or not it was authorized by the law, and the question now is whether or not this parliament with the necessity for doing exactly the same thing will or will not authorize its officials to do that which is necessary unless it is to be carried out by the returning officers to be carried out by the committee whether he could suggest anything unreasonable about it, whether it was not the most reasonable thing in the world for these returning officers to have done, and Mr. Knott, with all candor, said he considered it was perfectly reasonable, and the question was whether or not it was legal. 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