

unknown under the Controverted Elections Act, and it is desired to recognize it now. I might say that the whole of this Bill has been prepared by the Chief Electoral Officer after a great deal of study, and I think myself that all these changes are very necessary if we are going to have three very workable acts.

Section agreed to.

On section 3—time for presenting petitions against return:

Mr. LAPOINTE: What are the main changes in the existing law?

Mr. GUTHRIE: The existing law was considerably mutilated. I have a copy of the section as it now exists and as it was passed, I think, about twenty years ago and amended in 1915. I shall read it as then amended:

12. The petition must be presented not later than thirty days after the day fixed for the nomination, in case the candidate or candidates have been declared elected on that day, and in other cases forty days after the holding of the poll, unless it questions the return or election upon an allegation of corrupt practices, and specifically alleges a payment of money or other act of bribery by any member or on his account with his privity, since the time of the taking of the votes of such electors, in pursuance or in furtherance of such corrupt practice, in which case the petition may be presented at any time within thirty days after the date of such payment or act.

2. In case any petition is presented, the sitting member whose election and return is petitioned against may, not later than fifteen days after service of such petition against his election and return, file a petition complaining of any unlawful and corrupt act by any candidate at the same election who was not returned, or by an agent of such candidate with such candidate's consent or privity. Such petition shall contain such particulars of the complaint therein set out as may be necessary to prevent surprise or unnecessary expense to the respondent and to insure a fair and effectual trial, and may be in form "B" in the schedule to this Act.

3. The judge may, on application of either of the parties made within five days of the service of the petition, summarily determine the sufficiency of the particulars given in the petition, and shall, if the same be found insufficient, order the production by the petitioner, within a further delay of five days, of such additional particulars as the judge may on such order prescribe and define.

It is proposed to repeal that section and substitute the section as it appears in the Bill before the committee.

Section agreed to.

On section 4—Avoidance of election by corrupt or illegal practice.

Mr. GUTHRIE: The reason for this section is that the consequences of finding that there has been corrupt practice differ

from the consequences of illegal practices. The original section applied to corrupt practices; now it applies to both.

Section agreed to.

On section 6—Exoneration of candidate from consequences of corrupt or illegal practice.

Mr. GUTHRIE: The only change in this section is the addition of the words "or by his official agent" in subsection (a), and the words "and his official agent" in subsection (b).

Mr. LAPOINTE: It makes the candidate responsible for the actions of his official agent?

Mr. GUTHRIE: Yes.

Section agreed to.

On section 7—Exoneration of any person from consequences of illegal practice.

Mr. LAPOINTE: This section seems to give great discretion to the court.

Mr. GUTHRIE: The discretion is no greater than was given in the Act of last session after a great deal of discussion on this point. It is in the nature of a saving clause which, I think, has been continued in our law for many years. The only change now is to extend it to agents and to illegal practices.

Section agreed to.

On section 8—Punishment of corrupt or illegal practices.

Mr. GUTHRIE: The present section provides a penalty, by way of fine or imprisonment, for corrupt practices only. Section 84 of the Dominion Elections Act seems to cover the point dealt with by this section, and section 85 of the same Act, provides for the penalties for illegal practices. The chief electoral officer states that, in the circumstances, this section appears unnecessary—that is, section 107 as it now stands—but that it might be wise to retain it as an alternative to cover offences, if any, for which no penalty is otherwise provided. He suggests that the amended section be in the terms as just read by the Chairman.

Section agreed to.

On section 11—Judge's report published.

Mr. GUTHRIE: This section of the Disfranchising Act contains machinery for keeping the name of a disfranchised elector off the voters' list used for federal purposes. The machinery is inapplicable to the Dominion Elections Act in its present form and might be struck out of the Act.