

Then it goes on to give us the different clauses of the enfranchisement Act. Now how are "they otherwise prevented from voting?" That is the point to which I wish to draw particular attention. I do it in all modesty, not being absolutely sure of my contention, but I think I am right. How are they otherwise prevented from voting? I say they are otherwise prevented from voting by an affidavit presented to them as they enter the polls, and by which they will have to swear before they can vote, that they have not been for the last 15 days—I think it is 15—in receipt of pay or emolument as a Dominion official. If that is not "otherwise preventing them from voting," I should like to know what is. If that is so, then they are not entitled to go on the list. At all events, if that is not so, I take this ground, that it is very easy to convince a reviser who is not a lawyer, a partisan reviser, who wants to give all the doubts in favour of his own party, it is easy to make him believe it is so. When a Dominion official, who happens to be a Tory voter, comes up, they will say: This man is otherwise prevented from voting, he cannot get on this reviser's list. Therefore his name is dropped, and not being on the list, he cannot vote for a member of this House. Now, I put that before the Solicitor General. It may not be the law, but I say the effect is precisely the same as if it were the law, the effect is the same upon the revisers, who are not learned in the law, and who, if they have any doubt, and being partisans, will always give the benefit of the doubt to their own side, and they will do what partisan lawyers or partisan heelers will attempt and coerce them to do. Therefore, I ask the Solicitor General to make it absolutely sure that there can be no mistake with reference to this matter.

Sir CHARLES TUPPER. The Solicitor General stated that he did not approve either of the amendment of my hon. friend from Jacques Cartier (Mr. Monk), nor of the hon. member for Halifax (Mr. Russell). I think it would be a great convenience to the committee if the hon. gentleman would move his amendment now, or else let us know what its terms are to be.

The SOLICITOR GENERAL. I am not prepared to move an amendment at the present time, but I will draft an amendment and submit it to the Government, and bring it down at a future day. But I am prepared now to state the lines upon which we intend to go. I am of the opinion that the amendment of my hon. friend from Halifax does not go quite far enough, because there are some provinces, particularly Manitoba and British Columbia, in which a public official would not be on the list at all; therefore his amendment would not apply to cases arising in those provinces. In my amendment I propose to provide for two different cases, the case of a province, for instance, in which a Dominion official would be on the list, but

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who would not have the right to vote; then I also endeavour to provide for those cases which may arise in provinces where the Dominion official would not be on the list at all. I do not think I could accept the amendment of the hon. member for Jacques Cartier, because it does not provide for any machinery. In the case of a man not being on the list of voters for a Dominion election, something must be done to enable him to exercise the right to vote. I think we would have some difficulty in passing a law here which would oblige local officials to put upon their lists Dominion Government officials who would not have a right to vote in local elections. We have to protect ourselves against that also.

Mr. MONK. I merely wanted the House to sanction the principle, and leave it to the Solicitor General to provide the machinery.

Mr. BENNETT. I wish to call attention to the fact that in the province of Ontario it is an utter impossibility for Dominion officials who are proscribed by the Act from voting, to appear on a local list at all. The list is first prepared and printed, and after it is exhibited, appeals may be made against it. Upon showing to the county court judge that these parties are prevented by the Act from voting, he strikes them off that list.

The SOLICITOR GENERAL. I do not think he has any right to do that. I take it that there is a vast distinction between the voters' lists and an election Act. In Ontario a man who is a Dominion official has a right to be on the list, but when he goes to exercise his right to vote, then he is met with the disqualification of section 4, the disqualification of the Election Act, but up to that time he cannot be dealt with. He must remain on the list, and being on the list, for instance, on the eve of an election, surely he cannot be cut out of his right to vote.

Mr. BENNETT. I submit according to the Act, which clearly says he shall not vote, that on appeal being made to the county court judge, who is the official that presides at these trials, he would have a perfect right to say that the party being then such Government official, had not a right to vote. Let me point out this fact, that there is nothing in the Election Act—and I am distinguishing that now from the voters' list—which prevents a man from voting if he presents himself to vote, if he is able to take the oath, upon being objected to.

But there is nothing in that Act which has reference to the fact that a custom-house officer, or excise officer, or any of the class is proscribed. So it must necessarily follow that, as regards Ontario, some clause must be framed to meet the class of voters which will be struck from the voters' lists.

The SOLICITOR GENERAL. My intention is to meet that point.