

The SOLICITOR GENERAL. In Ontario and Quebec the polling divisions are established by the municipalities; in New Brunswick and Nova Scotia they are established by the statute, and in British Columbia by the Lieutenant-Governor in Council, under the authority of the law. If I inserted the word "municipal" it would not meet the case of British Columbia.

Mr. BENNETT. It would conflict there.

Mr. SPROULE. There is no doubt whatever that the suggestion of the Solicitor General would meet the case exactly, because the municipal councils make the divisions and they do it under the municipal law.

Mr. McINERNEY. Before the subsection passes, I wish to say that when the Minister of Railways read the New Brunswick Act of 1891, he must have seen that it is only an enabling Act, and it does not compel the returning officer to divide the district into two parts. The Act says it shall be lawful for him to do it, but he need not do it unless he likes. Therefore, I still maintain that in the elections held in that province subsequent to the Act of 1891, which came under my notice, there were no such divisions made by the returning officer. Notwithstanding all that has been said by the hon. Solicitor General, the difficulty which first occurred to my mind in regard to this clause still remains, and nothing which has been urged removes that difficulty. I refer to the danger of giving the power to divide up the districts, under this section, to a political appointee in the heat of an election. There is no date fixed for him; he does it before nobody but himself, and what is to prevent him in that case from leaving the names of many of the electors off the list?

The SOLICITOR GENERAL. We had better leave that until we come to an amendment which I propose to section 6.

Mr. FOSTER. I have been trying to listen to the discussion, but not being a lawyer, of course it is difficult for me to get all the points in my mind, and it is still more difficult because of the differences between lawyers themselves. I have studied the Bill as put before me, but my hon. friend (Mr. Fitzpatrick) has now moved a long and involved amendment, and I have not had an opportunity of studying it. I should think the same difficulty occurs to nine-tenths of the members of this House who are trying to follow this legislation.

The SOLICITOR GENERAL. I do not intend to move that amendment at the present time, but in view of the discussion I thought it fair to state that I would move it.

Mr. FOSTER. That meets my difficulty. I do not want to vote on that amendment

until it is printed, and I presume my hon. friend intends to print it.

The SOLICITOR GENERAL. Yes.

Sir CHARLES TUPPER. The hon. the Solicitor General has, I think, shown a very strong desire to meet the views of those taking an interest in this measure, and I would ask him if it is not practicable to devise some means to meet the objection urged by the hon. member for Kent (Mr. McInerney). It occurs to me that my hon. friend (Mr. Fitzpatrick) might be able to meet the difficulty by providing that some responsible officer should do the work of arranging the polling districts. It will be known long before the election takes place what the numbers of the voters are in the various districts, and therefore it would be perfectly competent for a responsible party who would be entrusted with that duty, to know what districts will require to be subdivided.

My hon. friend has already conceded to the hon. member for East Simcoe (Mr. Bennett) that there shall be not less than 300 names on the list in each subdivision. That meets that point. I want to see if he cannot go a little further and provide two things to meet the objections of my hon. friend from Kent (Mr. McInerney): first, that the limits of the subdivision shall be fixed, not by the returning officer, but by some one more directly responsible to the Government, whether by the revising officer or some one else; and, secondly, that it shall not be done on the spur of the moment, with every person left in doubt where he is to vote until he actually goes to the polls, but that it shall be done in the mode provided in the present Franchise Act, by which voters shall all know from the proclamation where they are to go to vote. It appears to me that the hon. Solicitor General, with the ingenuity he has shown in overcoming other difficulties, might find a means of meeting the objections of my hon. friend from Kent, if he would turn his attention to them.

The PRIME MINISTER. It has seemed to me all along that my hon. friends are really suggesting difficulties where no difficulties exist. There must be some officer to fix the places for polling. Under the existing law, which we are repealing, this duty is performed by the revising officer. Before we had the revising officer it was performed by the returning officer, and now when we are going back to the old system we propose that that duty shall again be performed by the returning officer.

Sir CHARLES TUPPER. What do you say as to the publication without due notice?

The PRIME MINISTER. At the present time, if the returning officer finds that there is a polling station which has more than 200 names, he divides it at once, and pub-