

Mr. LAURIER. No, no.

Mr. MONCRIEFF. I understand that both sides agree that those people whose votes were the subject of appeal were entitled to vote at the election, and the leader of the Opposition says there is not any great difference, the only question being how the appealed names should appear on the voters' list. Now, by section 30, these names must be noted upon the list. There is no direction given as to the manner in which they are to be noted. Can it be possible to have a plainer way in which to note them than that which was adopted? The name is placed on the list without any number, and a large capital "A" is placed opposite it.

Mr. MILLS (Bothwell). What about the names the revising officer refuses to put on?

Mr. MONCRIEFF. I will answer that presently. The revising officer notes that these votes which had the letter "A" are subject to appeal. Perhaps this is the first instance where votes have been kept hanging up, so to speak, during an election.

Mr. MULLOCK. Under the Franchise Act.

Mr. MONCRIEFF. The hon. member for Bothwell (Mr. Mills) asked me what about names that were never upon the list. In answer to that I refer him to the Election Act, section 50, sub-sections 1 and 2. The first sub-section refers to the class of votes where an appeal is taken against the votes being allowed. Sub-section 2 applies to appeals against the exclusion of votes. That is the kind of cases which you refer to. A man wants to be put on the list and is excluded. He was never on the list. Sub-section 2 reads:

"In the event of any person desiring to vote at any election whose name has been excluded from the list of voters for any polling district in the electoral district for which such election takes place, and the exclusion of whose name from such list appears by the list of voters to be the subject of an undecided appeal."

Now, I will ask you a question in return for the one you asked me. You asked me: What becomes of the voter's name who was never on the list? I ask you: How could the objection to his name appear, if his name was not on the list? The man's name must be on the list or the reason for his exclusion could not be given. The leader of the Opposition takes a different view of this. I do not know whether he and the member for Bothwell (Mr. Mills) agree, but the leader of the Opposition said that he had no objection to the votes, that these men were entitled to vote, but that they could not be counted until after the appeal upon them had been decided. I will answer him by referring to section 56 of the Act. Before doing so, I may say that I need not take up any time in endeavouring to express my views as to whether or not these men are entitled to vote, because it seems to be conceded on both sides that, in some way or other, they ought to appear on the list and that they were entitled to vote at that election, because, as the hon. member for Bothwell (Mr. Mills) has shown, a man in such a position is entitled to be put upon the voters' list, but has to be noted, and all those who are on the list are entitled to vote. Now, as to the duties of the officers at the close of the poll, by section 56, sub-section 3, we find that—

"The deputy returning officer shall also, in counting the ballots, place in two separate envelopes or parcels the two classes of ballot papers."

There is no place in this Act which says that appealed votes are to be excluded when the votes are counted up. If you refer also to sub-section 1 of section 56 you will find it stated that—

"Immediately after the close of the poll, the deputy returning officer shall open the ballot box and proceed to count the number of votes given for each candidate."

There is no distinction whatever to be made in counting these votes. The duty of the deputy returning officer is to count the number of votes given for each candidate. And what is he to reject? Here is the test:

"1. He shall reject all ballot papers which have not been supplied by the deputy returning officer; 2. All those by which votes have been given for more candidates than are to be elected; and, 3. All those upon which there is any writing or mark by which the voter could be identified, other than the numbering by the deputy returning officer in the cases hereinbefore provided for."

My hon. friends well know that the numbering by the deputy returning officer is only done in the class of cases correctly mentioned by the hon. member for Bothwell (Mr. Mills), and that, when a ballot is subject to appeal, the deputy returning officer may put any number upon it that he chooses—999 if he pleases—and such number is placed on the ballot paper for the purpose of identification.

Mr. MULLOCK. Read section 58.

Mr. LAURIER. Read section 64.

Mr. MONCRIEFF. I will read section 58, which says:

"The deputy returning officer shall make out a statement of the accepted ballot papers, of the number of votes given to each candidate, of the ballot papers counted which were deposited by persons whose right to be registered on the list of voters and to vote, and by persons the exclusion of whose names from the list of voters appeared by the said list to be the subjects of undecided appeals, as aforesaid."

You will not find any place in the Act where the deputy returning officer is to throw out all the votes which are the subject of an undecided appeal. Then, the further duty of the returning officer, after having counted every vote, with the exception of the three classes that I have named, is to add together the number of votes given for each candidate.

Mr. MILLS (Bothwell). The hon. gentleman is discussing a subject which is not before us now—that is the counting of the ballots and the proceedings at an election.

Mr. MONCRIEFF. I have taken the liberty to do this because after, as I understand, mature deliberation, the leader of the Opposition laid it down that these votes were not to be counted at all when the returning officer was adding up the votes.

Mr. LAURIER. Nothing of the kind. I said it was important to settle the difference between the Minister of Justice and my hon. friend from Bothwell (Mr. Mills) as to these votes which are the subject of appeal being counted until the appeal was decided.

Mr. MONCRIEFF. Am I mistaken now in saying that you took the position that those votes which were, as we might say, hung up in appeal, should not be added by the deputy returning officers until such time as the appeal be decided?

Mr. LAURIER. Nothing of the kind. What I said was the count which took place yesterday