

might decide on in that case it was not intended to appoint a commission. These answers did not justify the Opposition leader's remarks or those of any other gentleman, that the Government intends to do nothing.

NORTH WATERLOO.

"The cases of Wildfong and Cummings, in the North Waterloo election, are outside the class of ordinary bribery cases, as to which admittedly a distinction should be made. Nothing is so important as strict regularity in the conduct of elections, and while bribery must, by every means possible, be restrained and punished, it is even more necessary that officials conducting elections should be free from even the suspicion of wrongdoing. Cummings is reported as having miscounted ballots. One would suppose that the scrutineers would have set right any mistake in that direction. A mistake may have been made inadvertently, and this has often occurred where no wrongful action was intended. It is altogether a question of deliberate intention. But miscounting of ballots does not appear to be specifically provided for by the act, nor does it appear to come within any of the general provisions of the act."

Mr. Foy: "The hon. gentleman will pardon me, but the report of the commissioners says that Cumming's fraudulently miscounted 21 ballots." (Opposition applause.)

Mr. GIBSON: "I do not say that he did not. I say that mistakes frequently occur in these things. Ballots may be inadvertently miscounted. The Judges report this case as fraudulently miscounting. Perhaps the hon. gentleman is in a position to say whether that makes any difference. I would like to know where he can put his finger on a clause of the election act that provides a penalty where there is fraudulent miscounting. I am unable to find any special provision in the election law which reaches it. There is that much to be said as to the difficulties which may be incurred when it becomes necessary to prosecute these men. (Government applause.)

WILDFONG'S CASE.

"Wildfong's case," Mr. Gibson continued, "is different. The defacing of ballots is expressly made a grave offence, but no direct evidence appears to have been given to incriminate Wildfong. A process of exclusion of others who denied having any knowledge of the alterations and defacement of the ballots seems to have led to the conclusion arrived at, that Wildfong, as the deputy returning officer, must have committed the offence. My view is that further proceedings should be instituted." In this connection Mr. Gibson pointed out that he has introduced, at this session, legislation bringing the procuring of appointments of deputy returning officers by fraud and wilful misconduct in counting ballots within the provisions of the Ontario Election Act.

DESTRUCTION OF BALLOTS.

He continued:—"As to the amendment now before the House censuring the Government for not prosecuting those who were concerned in the destruction of the ballots in the West Elgin case, no one who has read the report of the commissioners would seriously think that there was reasonable ground for adopting such a course. The three Judges, having taken all the evidence that could be found or that could possibly have any bearing in the matter, reported as follows:—'The commissioners can arrive at no other conclusion upon the