

to the same thing if, under the first, you had to go to the court and find out if the second was not here in the return.

The SOLICITOR GENERAL. I would ask my hon. friends to consider, in connection with this clause, section 2 of chapter 13 of the Revised Statutes of Canada. This clause is new in the Election Act. It has been taken from section 2, chapter 13, that we have had for many years. Section 2 reads:

If any member of a provincial legislature, notwithstanding his disqualification, as in the next preceding section hereof mentioned, receives a majority of votes at any such election, such majority of votes shall be thrown away, and the returning officer shall return the person having the next greatest number of votes, provided he is otherwise eligible.

This is simply adopting the law that we have had for the last twenty years; therefore, I feel some reluctance to make an amendment off-hand without carefully considering the reasons for it. I prefer myself to stand in the ancient ways as far as possible, unless some good reason is pointed out for a change. Persons who are disqualified under subsections *b* and *c*, if they are returned, their election shall be null and void.

Mr. NICHOLAS FLOOD DAVIN (West Assiniboia). In 1887 we had an instance of that in the North-west Territories where a person who was ineligible, ran. Suppose he had been elected, somebody would have been put to the trouble of taking steps to unseat him, that is, if the returning officer had declared him elected. He was a member of the legislature.

The SOLICITOR GENERAL. In that case the law says the returning officer could not have declared him elected, he would have had to declare the other candidate elected.

Mr. W. H. BENNETT (East Simcoe). I think the difficulty might be got over by adding to section 4, this clause:

The nomination of any person who at such time is a member of any provincial legislature, shall not be received until the party so offering himself shall have filed with the returning officer a certificate from the Speaker of the local legislature that he has resigned his seat.

The SOLICITOR GENERAL. That would lead up to the difficulty that occurred in the Baird case, that is to say, the returning officer would be required to pass upon the validity of the resignation.

Mr. BORDEN (Halifax). Further than that, you would be interfering with the mode of resignation in a provincial legislature. It would be better to leave as little as possible to the returning officer except as to questions of fact.

The SOLICITOR GENERAL. We will let that clause stand.

Mr. FRASER (Guysborough).

On section 9,

Mr. CASGRAIN. I think if some of my amendments are adopted this section will have to be amended. I propose to ask the House to amend the Bill in this way: That if temporary works are commenced during an election with the intent to get those who are working to vote for a certain candidate, they shall be deprived of their vote. If my amendment passes, this section will have to be amended so as to include these persons also. We do not yet know the number of the clause.

The SOLICITOR GENERAL. As I am allowing other sections to stand, I see no reason why this should not stand.

Mr. HENDERSON. Is it the intention that persons disfranchised for taking bribes or for bribing in the local elections, should be disqualified from voting in Dominion elections?

The SOLICITOR GENERAL. I have not in my mind at the present time any provision which would be applicable to such a case as my hon. friend refers to.

On section 11,

Mr. CASGRAIN. Does not my hon. friend (Mr. Fitzpatrick) think that it would be well, as far as possible, to appoint as returning officers men who occupy official positions? I think there is more security in it. In the Act in Quebec we provided that registrars, sheriffs, prothonotaries and clerks of courts should be appointed returning officers. It seems to me that the public would have more security if public officers were appointed returning officers instead of having anybody that the government may choose to appoint. Of course, a public officer has a reputation at stake, and also his office, and therefore he is less liable to commit any frauds, or misfeasance of office, or any other act which is derogatory to himself personally, or in contravention of the law. This is merely a suggestion. I am not prepared to say that it should be adopted, because I am aware that in many parts of Canada it would be difficult to find, in all the constituencies, such men to act. I would suggest that as far as possible these persons should be selected. I think it has worked well in the election of members to the local legislature. I might say that the clause did not come up in the original Bill, but I accepted an amendment from the opposition at the time.

The SOLICITOR GENERAL. I appreciate what my hon. friend (Mr. Casgrain) says, but I would like to draw attention to the fact that we are now dealing with this amended Act on the assumption that we are going to adopt, as much as possible, the old law, and the old law provides for the issue of the writ to the persons mentioned here. It says the writ is to be addressed to such