

Mr. COCKSHUTT: Subsection 4 provides that a "suitable black lead pencil" shall be kept properly sharpened throughout the hours of polling. Having been engaged in a recount some years ago I know that a great deal of trouble arose over the construction that was placed on these few words. Not a few merchants marked their ballots—legally, as they thought,—with a fountain pen, and on that account their ballots were thrown aside. Others produced from their own pockets pencils that were said to be not quite black, and used them in marking their ballots. This is to be an enfranchising, not a disfranchising Act, and where the evident intention of the voter is to vote for a certain candidate, an obstruction of that kind should not be put in the way. I would like the minister to consider that.

Mr. GUTHRIE: I will have to consider that. This is a clause in connection with which there appears to be some contention; therefore I move that its consideration be postponed.

Motion agreed to, and consideration of section 55 postponed.

On section 58—oath by elector:

Mr. MACKENZIE KING: One change in this provision is rather significant: it is the insertion of the word "knowingly" before the word "mentions" in subsection 3. I see no reason why the word "knowingly" should be inserted there.

Mr. GUTHRIE: I have no objection to taking it out. I move that the word "knowingly" be struck from line 33, page 40.

Amendment agree to.

Mr. J. M. DOUGLAS: Section 1 states that "any elector present" may take exception to a voter casting his ballot and may require him to be sworn, but section 56 provides that not more than one voter for each compartment shall at any time enter the room where the poll is held. How would it be possible for "any other elector" to be in the polling booth?

Mr. GUTHRIE: If a candidate has no agent, any elector is entitled to go there and represent him, though that elector would not have all the powers of an agent. When the agent comes, that elector may no longer represent the candidate.

Mr. COPP: Subclause 2 reads:

No voter who has refused to take any oath or affirmation or to answer any questions, or produce any evidence.

[Mr. Guthrie.]

What evidence would he be required to produce?

Mr. GUTHRIE: The form of oath in this measure is a little different from the ordinary form of oath; it is by means of a questionnaire, and I suppose it is to meet that particular form of oath that a new clause, subclause 2, was drafted.

Mr. COPP: The clause goes on to say that no such voter shall be admitted to vote or be again admitted to the polling place. It might be necessary for him to go outside to get the evidence required, and in that case he ought to be readmitted.

Mr. GUTHRIE: The only evidence that he could be asked to produce would be the oaths "Y" and "Z."

Mr. HALBERT: If an agent asks that a voter coming to vote be sworn and the deputy returning officer refuses to swear that voter, what happens?

Mr. GUTHRIE: The deputy returning officer commits an illegal act under section 27 of the Act and renders himself liable to a fine of \$500 or one year's imprisonment, or both.

Mr. HALBERT: Nothing could be done as regards the voter?

Mr. GUTHRIE: Nothing that I know of.

Mr. SEXSMITH: Is it absolutely illegal to allow more than one person in the room where the polling is going on? In one municipality that I have in mind the town hall, which is a large room, is used for the purpose. A few curtains are put across the centre of the room in order to make a partition and the voting is done regularly enough. There is only one polling booth behind the curtain, but there may be fifty people in the same room. Would that be illegal?

Mr. GUTHRIE: We are not considering that clause, but the clause says: "not more than one voter for each compartment." That means a polling compartment.

Mr. SEXSMITH: There is no real division any more than a temporary division is put up in the way that I have mentioned. If polling is done in a schoolhouse, you could not have a proper division.

Mr. GUTHRIE: There has been no change in this for the last twenty years.

Section agreed to.

At six o'clock the House resumed, and then took recess.