

Mr. LANGEЛИER. In Quebec, according to the municipal code, the valuation rolls must be made in June and July. Thirty days are allowed for the revision by the municipal council. If the date were placed at 1st September it would be all right.

Sir JOHN A. MACDONALD. The revising barrister will make up, in the spring of 1886, his preliminary list, taking the list of the previous year. It always must be the list of the year before.

Mr. MILLS. The assessments are generally made in February, in the rural districts, at all events, and they are revised in May and the voters' list made up. It may be that the revising officer, in preparing his preliminary list, will be obliged to use the old assessment roll, but when the list comes to be revised the new roll will be available.

Sir JOHN A. MACDONALD. Under the words "such other information," he can send for the last roll.

Mr. MILLS. I think he ought to have that power, because the chances will be very great.

Sir JOHN A. MACDONALD. He has that power. I think the 1st of August will be sufficient.

The words "1st day of August, 1836," were substituted for the words "15th day of April, 1837," and the clause, as amended, agreed to.

On section 61,

Mr. CAMERON (Huron). I desire to move an addition to this section. It is quite clear that under the provisions of this statute a large number of officials are to be appointed. It is of the first possible consequence that those officials should discharge their duties properly, and if they do not they ought to be punished. All the clerks, constables, bailiffs, and other officials, ought to be liable to some severe penalty in case of a wilful violation of the law. I find that the English Act provides that for any wilful violation of the law committed by any official under it the person aggrieved can exact a penalty not exceeding £100 sterling, and full cost of the suit. I propose to move that every person appointed to any office or position under this Act, or required by this Act to do any matter or thing, shall, for every wilful violation of the Act, or wilful act of commission or omission, forfeit to any person aggrieved the sum of \$500, or any less sum which the jury or judge before whom the suit may be tried shall consider just. It is not for every violation of the law that I propose making the official responsible; it is only when he does the thing wilfully, with the full knowledge that he does wrong. You can easily understand how an official appointed under this Act may commit a very serious wrong on an elector or a candidate, who may have no redress unless we provide for it in this law. It is no compensation to the person aggrieved to say that the official is liable under the Election Act. We know that in that Act the punishment is a small fine, which is merely nominal; and these officials, who are given those extraordinary powers by this statute, ought to be made responsible, if they wilfully violate the law, to any person aggrieved thereby.

Mr. SPROULE. Suppose a returning officer refuses to make a list, under what section would he be fined—under this section, or section 61?

Mr. CAMERON. I do not propose a fine. This is compensation to the person who is injured by what these officials do wilfully, not by mere oversight or mistake.

Sir JOHN A. MACDONALD. This 61st clause provides for the specific offence of not furnishing the revising officer with copies of the assessment roll. If the custodian of the assessment roll will not give it, he will be liable to the penalty.

Sir JOHN A. MACDONALD.

Mr. CAMERON. Why make it a fine? Imposing a fine, on many men, is practically no punishment. It is no punishment to a man who has nothing, to pay a fine of a \$1,000. I would make it a misdemeanor, penalty of three months' imprisonment.

Sir JOHN A. MACDONALD. I think it ought to be a misdemeanor, and I will make it so.

Mr. CAMERON. The party aggrieved should have a chance of getting something if he has been wronged by any act of omission or commission of any officer.

Mr. CHARLTON. That is the English law. There the party aggrieved gets a £100, with full costs of the suit, for any wilful act of commission or omission on the part of any of those officials, and in adopting the amendment of the hon. member for West Huron we would follow exactly in the English line.

Mr. LANGEЛИER. If there was no other punishment than a misdemeanor, it would amount, practically, to very little. In the prosecution of a misdemeanor the public prosecutor has to take the case in hand, and unless he was strongly pushed to it by parties interested he would not be disposed to take up a case of that kind.

Sir JOHN A. MACDONALD. For the offence of omitting to give the copy of the assessment roll, to make it a misdemeanor is quite sufficient.

Section, as amended, agreed to.

On section 62,

Mr. MILLS. I do not think that sections 62 and 63 are adequate to meet the purposes of the Act. It may be all very well for the party who commits an offence against any of the officers; but, supposing the officer himself fails to fulfil his duty, the party ought to have the same remedy that he would have against the returning officer or sheriff at an election. In the Ashby case the parties had the right to vote, but the sheriff was of opinion that they had not, and though their candidate was elected, yet Chief Justice Holt still declared they had a remedy against the sheriff. There ought to be some remedy against a revising officer who wilfully fails to do his duty. He has certain duties and certain ministerial functions, and the revising officer who is not a judge ought to be treated as a ministerial and not as a judicial officer. The greater part of his duties are ministerial, and he ought to be held responsible, as a returning officer is held responsible. I think the English statute relating to revising officers makes a similar provision.

Sir JOHN A. MACDONALD. I doubt whether the revising officers in England are held liable.

Mr. MILLS. I think so, for all duties they discharge as ministerial officers.

On section 62,

Sir JOHN A. MACDONALD. The 57th clause provides that all Acts of Parliament respecting elections of members shall apply to this Act, and this clause provides that all offences against this Act shall be punishable in like manner as similar offences against the said Acts.

Mr. DAVIES. Does the hon. gentleman think a prosecution could lie under such a general provision? I should like to see him prepare an indictment under it.

Sir JOHN A. MACDONALD. I think my hon. friend could prepare one which would hold water. However, we will strike out that section.

Section 62 struck out.

Sir JOHN A. MACDONALD. Now will come the amendment of the member for North York (Mr. Mulock):