

called attention to the fact that we had not treated his list as he evidently intended it to be treated, and as he thought the Franchise Act requires, and his opinion was further shown when he certified the list as printed in accordance with his remonstrance, and sent it to the returning officer and the deputy returning officers for the polling.

Mr. MILLS (Bothwell). Before you put the motion, Mr. Speaker, I wish to say a word or two in reference to the argument of the hon. Minister of Justice that these names would not be on the list at all as required by the election law unless they were on the list as printed for the Clerk of the Crown in Chancery. I think when he admits that the one class at all events would not be there, the class whom the revising officer refused to put there, he gives up all the force of that argument. So that the question simply comes to this, in what way are these names to be put on the list, and at what time? Now, as I understand the provision of section 30, it is pretty clear that they are to be put on at the time when the election is being held:

"If, at any time, when the revising officer is required to furnish or certify any list of voters to any officer or person, there is, with respect to such list, any appeal pending and undecided,

It is only at that time that he is required to furnish the list, and it is at that time that he is to note on that list the latter two of the three classes of persons here spoken of. One class he has refused to strike off; they are there and designated. There are two classes not there. By section 35 it is provided that the county judge is to put on those names which he thinks should be put on, of the classes struck off—not that he is to strike off some names which have already been struck off. If they are not struck off the list, how can they be put on? I do not think it is a matter of vital consequence, if the class is designated to which they belong; but it is of vital consequence that they shall subsequently be recognized as a class, and that the officer shall conform to the provisions of the law applicable to these particular parties. The hon. Minister of Justice has admitted there is no fourth class. His observations apply to three classes, and so far there is no dispute. But it does seem to me that when the revising officer has decided that certain parties are not qualified, and when the law provides that those who are not qualified shall be struck off the list, they ought not to be found on the list supplied to the Clerk of the Crown in Chancery, if the law is complied with. They are off the list, and remain off until they are put on by the superior authority of the county court judge; then, the list is to be corrected accordingly. As to the third class, they are off, and yet they are entitled to vote; they do not stand in a different position from the other two classes, and they cannot get on the list except by their names being noted according to the provisions of section 30. The noting of the names of those persons whom the revising officer has refused to put on the list is not a different noting from that of the names he has decided to strike off. Those whom he has refused to put upon the list are equally entitled to vote with those he has struck off. If that be so, then the hon. Minister cannot argue that they must be on the list as printed by the Clerk of the Crown in Chancery, when he admits that so far as one class is concerned they are not there at all until they are put on by the revising officer for the purpose of the election.

Sir JOHN THOMPSON.

Sir JOHN THOMPSON. I say that they must be there if they are subjects of an undecided appeal. If I may be indulged for one moment, I should like to make clear the point on which we differ. I understand the hon. gentleman to agree that those names ought to appear on the list as handed to the returning officer.

Mr. MILLS (Bothwell). I say that section 30 provides that they should be there.

Sir JOHN THOMPSON. The hon. gentleman does not dispute the right of the persons so appearing on the lists to vote, I understand?

Mr. MILLS (Bothwell). No. I admit their right to vote in conformity with the law, their ballots being marked as the law provides.

Sir JOHN THOMPSON. My object in asking this question was to call the attention of the House to the fact that there is practically no difference between us as to the result arrived at. In the list handed to the returning officer as the list for the polls, all these names appeared as the subjects of an undecided appeal—not in the same way as ordinary voters, but marked in the way I described to the House. The hon. gentleman admits that those very names ought to have appeared on that list in that way, and he admits the right of those persons to have their votes polled. As I understand, their votes were polled, many of them, so that as regards the result arrived at they are in exactly the same position as they would have been if the course proposed by the hon. gentleman had been pursued.

Mr. LAURIER. The difference between the hon. Minister of Justice and my hon. friend is not very great. It is simply as to how the list is to be printed—whether it is to be printed with the appealed names or not. If there is to be an election, the list must be furnished to the returning officer with the appealed names. The difference is not very great, but it is important to lay down at once what is the true law in this matter. There is no doubt that these appealed names had a right to vote; that is not disputed; but at the same time there is no doubt, in my construction of the law, that the count ought not to take place until the appeal is decided. I understand that the returning officer acted differently, and counted those votes.

Sir JOHN THOMPSON. That was no result of the printing of the list.

Mr. LAURIER. I know that the difference between the hon. Minister of Justice and my hon. friend is not very great; but it amounts to this: whether these appealed votes ought to have been counted, and in my humble opinion the view taken by my hon. friend is the correct one.

Mr. MONCRIEFF. I am very glad to find, from the remarks made by the hon. member for Bothwell (Mr. Mills), that no charge of improper conduct is made in regard to the return of this list. I thought the other day, when the matter was mentioned, that there might be such a charge; but to-day that seems to be entirely withdrawn, and the question is simply how the appealed votes should appear on the voters' list. That is certainly very satisfactory; and the last remark made by the leader of the Opposition would seem to give us to understand that this is a matter of very little moment.