

wick a few years ago, in the case of an election to this House, are not likely to be very frequent, and this House will be saved trouble, and the public will be saved scandal, if this House holds its officers to a strict responsibility. I am asserting no more than this, that it is the duty of the officers of the House to obey the law. It is obvious that no department of Government could be satisfactorily administered if every difference between a superior officer and an inferior officer had to be litigated upon and decided by a judicial tribunal rather than by a decision of the superior officer, and therefore I say that, where it is obvious to the common sense and to the sense of fairness of every member of this House that a wrong is being done, the House would be derelict in its duty to the country if it failed to exercise the power with which it is vested and to insist upon right being done. Yesterday the House considered another branch of this subject, but to-day I will again refer briefly to the question as to who are the electors, who are the parties who are found upon the voters' list or who should be on that list when the election was held, the voters' list as put in the hands of the deputy returning officers, and how votes should be taken, how the enumeration should take place, and how, in any matter of controversy in regard to the enumeration, it is to be disposed of. These are the questions which I propose to ask the House to-day to consider and discuss. By section 30 of the Electoral Franchise Act, it will be seen that there were two classes of persons entitled to vote at elections, those persons about whose right to go on the list there was no controversy, and those persons about whom there were appeals pending. Of this second class, there are three special classes—first, those retained on the list notwithstanding an application to have them struck off; then those who are said to be struck off by the revising officer against whose decision an appeal is had to the county judge; and the third class is those who have applied to be put on the list and whom the revising officer has refused to put on the list. As I understood the Minister of Justice yesterday, we agreed that the first class should be on the list, that is, the revising officer having refused to strike them off, they should remain there. We also agreed that the third class, those the revising officer refused to put on, could not be on the list; but we differed as to the second class, those the revising officer had struck off the list but in regard to whom an appeal is made. I understand the Minister of Justice to maintain that those voters, notwithstanding the fact that they are struck off, are still on the list. I dissent from that opinion. I think there are two of three sub-classes off the list, and that they are noted when the list is required for the purpose of election. But if the law was in other respects complied with, there would be no practical mischief, perhaps, arising from the adoption of one or the other of these contentions. I am informed that in some instances, in the city of London, in the recent election, certain parties whose names were on the list and who were the subjects of appeal, instead of taking the oath X that they are required to take under the statute, took the ordinary oath of electors who are not the subjects of appeal, and it was contended that because their names were so printed upon the list, they had a right to vote upon the ordinary oath being administered. I mention this as one of

the mistakes that arose, and that is likely to arise where there is no proper distinction made between names that are on the list as of right, and those that are on that list as a matter of controversy. The 32nd section of this Act with reference to voters' lists, shows how the Act is to be understood and interpreted. It can never be accurately or properly interpreted by looking at each individual section and undertaking to construe that according to the strict grammatical import of the words. In both Chapter 5 and Chapter 8 of these Consolidated Statutes, we must look at the whole Act, consider every provision of each of these Acts, and so construe them that they may all stand together, and best carry out the intention of Parliament. Section 33 shows that the class that is struck off the voters' lists under section 30, have seven days within which to appeal from the decision of the revising officer to the county judge, and the reason of such a time being given for that appeal is to allow them being restored to the list. Until that restoration takes place it seems to me that they do not stand upon the list. Then, if we look at section 56 of Chapter 8, we find the same limitation on the proceedings before the deputy returning officers in making the count of the votes that have been polled. The first part of that section provides:

"Immediately after the close of the poll, the deputy returning officer shall, in the presence of the poll clerk and the candidates, or their agents—and if the candidates and their agents or any of them are absent, then in the presence of such, if any, of them as are present, and of at least three electors,—open the ballot box and proceed to count the number of votes given for each candidate; and in so doing he shall reject all ballot papers which have not been supplied by the deputy returning officers, all those by which votes have been given for more candidates than are to be elected, and all those upon which there is any writing or mark by which the voter can be identified, other than the numbering by the deputy returning officer in the cases hereinbefore provided for."

Then the second section provides:

"The other ballot papers being counted, and a list kept of the number of votes given to each candidate, and of the number of rejected ballot papers, all the ballot papers indicating the votes given for each candidate respectively, except as in this section is hereinafter provided, shall be put into separate envelopes."

Now, the exception from that "as hereinafter provided" refers to the particular class of votes that are in appeal. The third sub-section reads as follows:—

"The deputy returning officer shall also, in counting the ballots, place in two separate envelopes or parcels, the two classes of ballot papers of persons whose right to have their names registered upon the list of voters and to vote at such elections, and of persons the exclusion of whose names from the said list as voters, are respectively the subjects of undecided appeal."

And it further provides:

"He shall keep a list of each of the said classes of ballots."

What is the meaning of "keeping a list of each class?" Why, Sir, as we see before the use of these words, that he shall enumerate each class, not that he shall confuse them indiscriminately by enumerating them together, but that he shall enumerate each class of ballots, those about which there is a controversy or dispute as to the rights of the parties to vote, and those about whose right to vote there is no dispute. Now, when we look at the 58th section we find this enumeration of the two classes of voters separately and distinctly, still further emphasized. Section 58 says: