

"In the event of any person desiring to vote at any election whose name has been excluded from the list of voters for any district in the electoral district for which such election takes place, and the exclusion of whose name from such list, appears by the list of voters to be the subject of an undecided appeal under the provisions of 'The Electoral Franchise Act' or the Act passed in the session held in the 45th and 48th years of Her Majesty's reign and intitled: 'An Act respecting the Electoral Franchise,' he shall be entitled to receive a ballot paper and to vote." He would be entitled to receive a ballot paper, but how can he receive a ballot paper if he does not appear on the list at all?

Mr. MILLS (Bothwell). He does appear.

Sir JOHN THOMPSON. He does not appear unless he appears in the way I have mentioned as having been followed in this case, because there could be no supplementary list.

Mr. MILLS (Bothwell). I think he does appear under section 30, because—

"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 or undecided, or if there is any appeal with respect to such list in which the decision, if given, has not been notified to the revising officer, the revising officer shall furnish such list as then last revised, corrected and certified by him, noting thereon the names of all persons who have been retained on the list of voters, notwithstanding objection, the names of all persons who have been struck off the list of voters, and the names of all persons who have applied to be placed on the list of voters and whose applications have been refused."

Sir JOHN THOMPSON. That is precisely what he did and what I understand the hon. gentleman objected to, because on the list which he handed to the returning officer as the list upon which the balloting should take place, all these names appear as being the subjects of an undecided appeal, although, according to his argument, they ought to have been struck off the list.

Mr. MILLS (Bothwell). Would the hon. gentleman excuse me for interrupting by asking him this question: There is a third class of parties whom he has refused to put on. Now, these are on the voters' list as they were voted upon. How do they get there?

Sir JOHN THOMPSON. He must put them on if they are the subjects of an undecided appeal.

Mr. MILLS (Bothwell). And the others are exactly in the same position.

Sir JOHN THOMPSON. He must undoubtedly put them on and keep them on, and mark on the list that they are subject to an undecided appeal.

Mr. MILLS (Bothwell). The Minister will see that these sections of the Election Act which he has quoted apply to that class as well as to the other two.

Sir JOHN THOMPSON. To all. They appear on the list as subjects of an undecided appeal.

Mr. MILLS (Bothwell). They appear on that list only and not on the list as printed.

Sir JOHN THOMPSON. The hon. gentleman will see that he is bound to put them on the list because the law says that if his decision shall be overruled he has to correct the list.

Mr. MILLS (Bothwell). That is the list that is voted upon.

Sir JOHN THOMPSON. That list which is voted upon must be the same as the list which he sent in. He is bound to leave them all on because he is bound to make the correction if the county

court judge decides against him. The hon. gentleman will see that we can discuss this case, from the position of there having been no election held in London at all. Suppose there had been no election held in London let us test the correctness of the revising officer's views, that these names are to appear on the lists sent to the Clerk of the Crown in Chancery. What would be the effect if Judge Elliott decided that 200 of these names ought not to be put off? According to the hon. gentleman's views they would be then added. If the judge decided that the revising officer was right in striking them all off there would be no correction to be made, and in the meantime the election having come on, the provisions of the Election Act that every such individual has the right to receive a ballot paper and to vote, would be defeated and nugatory. The Act says:

"And the deputy returning officer shall receive his ballot paper and shall number the same and place opposite to the name of such person in the poll book a number corresponding to the number so placed upon such ballot paper. Every such person if required by the deputy returning officer, the poll clerk, one of the candidates, or one of their agents, or by any elector present, shall, before receiving his ballot paper take the oath of qualification in the form X in the first schedule to this Act."

Then section 56, subsection 3 of the Act, says:

"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 election, and of persons the exclusion of whose names from the said list as voters are respectively the subjects of undecided appeals under 'The Electoral Franchise Act.'"

Although it has no direct connection with the subject of our argument, I daresay the members of the House have this question occurring to them: What remedy is there if these persons who are the subjects of undecided appeals eventually have no right to vote?

Mr. MILLS (Bothwell). If the hon. gentleman will consent we will discuss that on my motion to-morrow.

Sir JOHN THOMPSON. I merely refer to it as a matter of explanation. The Act makes clear provision for that to be dealt with; a provision giving means for a delay until there shall be a recount, and for delaying the recount until the appeals are decided.

Mr. LAURIER. That has been refused.

Sir JOHN THOMPSON. I do not so understand it, but I will not discuss that to-day; I merely mentioned the point for the purpose of showing that these provisions seem to quite coincide with the view I have taken: that these names ought to have appeared on both lists—the list as sent to the revising officer, and the list furnished by him to the returning officer. I beg to say that while I have no recollection whatever of the circumstances ever having come to my knowledge, personally, at the time the opinion was given—they may have done so—but I certainly at that time had not the slightest knowledge of the position of these appeal votes, as to which side politically they were on, or whether any political controversy could possibly arise about it. My deputy prepared the opinion from his view, and it is my view of what the Election and Franchise Acts require as to the way of dealing with these names. The revising officer held the same view in writing this letter of the 1st February, in which he