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SESSION 1937

HOUSE OF COMMONS

SPECIAL COMMITTEE

ON

ELECTIONS AND FRANCHISE ACTS

PRINTED BY ORDER OF PARLIAMENT

OTTAWA
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MEMBERS OF THE COMMITTEE

Mr. C. E. BOTHWELL, *Chairman*

and

Messieurs

H. E. Brunelle
D. A. Cameron
(Cape Breton N.-V.)
W. G. Clark
(York-Sunbury)
J. E. Dussault
S. Factor
R. Fair
J. A. Glen
A. A. Heaps
J. Jean
J. R. MacNicol
D. F. McCuaig
C. R. McIntosh
G. A. McLean
(Simcoe East)
C. Parent
(Quebec W. and S.)
E. E. Perley
(Qu'Appelle)
C. G. Power
G. T. Purdy
W. F. Rickard
L. P. A. Robichaud
E. C. St. Pere
P. Sinclair
H. H. Stevens
H. A. Stewart
G. Stirling
W. H. Taylor
(Norfolk)
J. G. Turgeon
J. M. Turner
E. J. Wermenlinger
G. E. Wood

JOHN T. DUN,
Clerk of the Committee.

38550—1½

ORDER OF REFERENCE

HOUSE OF COMMONS,

TUESDAY, January 26, 1937.

Resolved,—That a special committee be appointed to study the Dominion Elections Act, 1934, and amendments thereto and the Franchise Act, 1934, and amendments thereto, and to suggest to the House such amendments to the said Acts as they deem advisable, and, furthermore, such committee shall study and make a report on the following subjects:—

(*a*) The Proportional Representation System;
(*b*) The Alternative vote in single-member constituencies;
(*c*) Compulsory Registration of Voters;
(*d*) Compulsory Voting;

and that the said special committee have power to send for persons, papers and records, to examine witnesses under oath and report from time to time.

That the Committee shall consist of thirty members; that Standing Order 65 be suspended in relation thereto; and that the following be appointed members of the said Committee: Messrs. Bothwell, Cameron (Cape Breton North-Victoria), Clark (York-Sunbury), Dussault, Factor, Fair, Girouard, Glen, Heaps, Jean, MacNicol, McCuaig, McIntosh, Parent (Quebec West and South), Perley (Qu'Appelle), Power, Purdy, Rickard, Robichaud, St. Père, Sinclair, Slaght, Stevens, Stewart, Stirling, Taylor (Norfolk), Turgeon, Turner, Wermenlinger, and Wood.

And, furthermore, that the Minutes of the Evidence and the Report of the Special Committee appointed in the last session of Parliament to study the Dominion Elections Act, 1934, and the Franchise Act, 1934, be referred to the Committee.

Attest

ARTHUR BEAUCHESNE,
Clerk of the House.

TUESDAY, February 2, 1937.

Ordered,—That the Special Committee appointed to study the Dominion Elections Act, 1934, and amendments thereto, and the Dominion Franchise Act, 1934, and amendments thereto, be instructed to study and make report on the methods used to effect a redistribution of electoral districts in Canada and in other countries and to make suggestions to the House in connection therewith.

Attest

ARTHUR BEAUCHESNE,
Clerk of the House.

THURSDAY, February 4, 1937.

Ordered,—1. That the said Committee be given authority to print from day to day 500 copies in English and 250 copies in French of proceedings and evidence and that Standing Order 64 be suspended in relation thereto.

2. That the quorum of the said Committee be ten members.

Attest

ARTHUR BEAUCHESNE,
Clerk of the House.

FRIDAY, February 5, 1937.

Ordered,—That the name of Mr. Brunelle be substituted for that of Mr. Girouard on the said Committee.

Attest

ARTHUR BEAUCHESNE,
Clerk of the House.

WEDNESDAY, February 10, 1937.

Ordered,—That the name of Mr. McLean (Simcoe East) be substituted for that of Mr. Slaght on the said Committee.

Attest

ARTHUR BEAUCHESNE,
Clerk of the House.

SECOND AND FINAL REPORT TO THE HOUSE

TUESDAY, April 6, 1937.

The Special Committee on Elections and Franchise Acts begs leave to present the following as its Second and Final Report.

Your Committee has held eighteen meetings for the purpose of studying the matters referred to it under orders of reference of January 26 and February 2, 1937, as follows:—

(*a*) The Proportional Representation System.

(*b*) The Alternative Vote in single member constituencies.

(*c*) Compulsory registration of voters.

(*d*) Compulsory Voting.

Your Committee has also made a study of the Dominion Elections Act, 1934, with amendments thereto, and the Dominion Franchise Act, 1934, with amendments thereto, as instructed in the order of reference of January 26, 1937.

Every suggestion received by your Committee since the 1935 election, whether from Members of Parliament, election officers, franchise officers, political and other organizations or private individuals, and whether received in writing or by personal representation, was carefully considered by your Committee.

All witnesses who expressed a wish to be heard by your Committee were duly heard and their representations given all possible consideration.

Your Committee wishes to confirm their Fourth and Final Report of 1936, a copy of which is hereto attached, with respect to,—

(*a*) The Proportional Representation System.

(*b*) The Alternative Vote in single member constituencies.

Your Committee has also considered compulsory registration and compulsory voting and has decided that it cannot recommend either to the favourable consideration of the House. With regard to the former, it is of the opinion that it could not be enforced without continuous registration, a large staff of permanent officials, an annual house-to-house check up of the names of the electors on the lists, and by other means, and your Committee believes that the cost would be prohibitive under such circumstances. With regard to compulsory voting your Committee has carefully considered the evidence submitted and, in view of the high percentage of electors who voted in Canada at the last two general elections, and of the doubtful value of compelling unwilling electors to cast their votes, together with the probable additional cost, has concluded that it would be inadvisable to adopt that system in Canada at this time.

Your Committee is unanimously of the opinion that the system of the Annual Revision of lists of electors, as provided in the Dominion Franchise Act, 1934, has proved unsatisfactory. Experience has shown that the basic lists prepared in 1934 were almost obsolete within six months after they were completed, and that the Annual Revision held in the year 1935 was not adequate to remedy the situation. The conclusion arrived at is that the yearly revision under the provisions of the Dominion Franchise Act, 1934, could not produce satisfactory results, and that only through voluntary efforts on the part of Members of Parliament, candidates and political organizations, involving great

cost in time and money, could the lists of electors be brought up to date and thoroughly purged. Your Committee is unanimously of the opinion that it would be advisable to return to the system of preparation and revision of the lists of electors immediately after the issue of the Writs of Election, with closed lists in urban polls, and open lists in rural polls, as in 1930.

Your Committee recommends that the Dominion Franchise Act, 1934, be repealed, and the provisions relating to the preparation and revision of the lists of electors be again embodied in the Dominion Elections Act.

Your Committee recommends that the particular sections in the Dominion Elections Act providing for absentee voting should be repealed. The intricacy of the procedure, the large number of rejected ballots, and the excessive cost to the country, have convinced your Committee that it would be unwise to continue this manner of voting. Furthermore, with the adoption of the 1930 procedure, your Committee is of the opinion that absentee voting will no longer be necessary.

A suggestion was made to your Committee that publication of election returns from East to West throughout Canada should be synchronized, or hours of polling should vary. It was represented that election returns from the Maritime Provinces were being received in the Western Provinces from one to three hours before the close of the polls in the latter provinces, and that undue influence was consequently exercised upon late voters, by radio broadcasts and by the publication of early returns in extra editions of newspapers in the West. On account of objections raised to every remedy proposed, your Committee has decided that the matter should be brought to the attention of Parliament in order that it may be further considered.

Special reference should be made to a suggestion approved by your Committee to the effect that a revision of the Dominion Elections Act, embodying the recommendations made, together with such further amendments as may be found necessary, be prepared for submission to Parliament at its next Session. This is deemed necessary in order that election officers may have ample time to perform all preliminary work well in advance of the next general election.

Your Committee also gave careful consideration to many other sugestions that were received but not adopted. These suggestions are all contained in the Minutes of Proceedings and Evidence, and your Committee did not deem it necessary to enumerate them in this report.

Your Committee has received representations from Canadian citizens of Japanese origin, asking that the privilege of the franchise be extended to them, but your Committee is not prepared to recommend any alteration of the existing law.

Your Committee herewith submits for the favourable consideration of the House the complete list of suggestions which it has approved, as follows:—

1. That instead of having a permanent list of electors and an annual revision, the procedure followed in 1930, in the preparation and revision of the list of electors after the issue of the Writ for an election, should be again adopted.
2. That the Dominion Franchise Act should be repealed and the franchise provisions embodied in the Dominion Elections Act, as in 1930.
3. That a longer period of time should be given to the various returning officers to revise the arrangement of polling divisions of their respective electoral districts, and with that purpose in view the proposed new Dominion Elections Act should be passed not later than the year 1938.
4. That all incorporated cities or towns having a population of 3,500 persons or more be treated as urban polling divisions.
5. That the Chief Electoral Officer be empowered to declare urban any area in which the population is of a floating or transient character or in which a large number of persons are temporarily employed on special work of any kind.

6. That absentee voting be abolished.
7. That, where possible, all lists of electors for both urban and rural divisions be printed.
8. That a method of speedy payment of elections officers receiving a fixed fee be adopted.
9. That enumerators shall insert on their lists of electors the names of young persons who will attain 21 years of age on or before polling day.
10. That voters' lists be printed locally wherever and whenever possible.
11. That, in urban areas, a printed copy of the list of electors be sent by mail as soon as the printing is completed to each dwelling situated within the appropriate polling division, and a notice advising electors of the time and place of the sittings of the revising officers and of the location of the polling station be printed on each such copy of the list.
12. That the sending of a notification post card advising each elector as to time and place of poll be abandoned.
13. That the lists of electors for rural polling divisions be " open lists " as in 1930.
14. That all election officers should be qualified as electors in their respective electoral districts.
15. That the use of radio for election speeches on polling day and on the Sunday immediately preceding it should be prohibited.
16. That all electors in line at the door of the polling station awaiting their turn to vote at the hour provided for the closing of the poll shall be permitted to cast their votes before the outer door of the poll is closed.
17. That no list of electors shall be split up for the taking of the vote unless it contains more than 350 names.
18. That printed lists of electors in urban polling divisions, containing more than 350 names, should, for the taking of the vote, be divided numerically instead of geographically.
19. That the names of teachers, students and clergymen shall be placed on lists for electors for polling divisions to which they have recently moved, as in 1930.
20. That the returning officer should be directed that either he or the election clerk should remain in the returning officer's office throughout the whole of polling day.
21. That in rural polling divisions only one day be fixed for the correction of the lists of electors by rural numerators, instead of three days as was the case in 1930.
22. That no entry should be made in the poll book until the poll clerk has ascertained that the name of the elector appears on the official list of electors used at the polling station, or is otherwise entitled to vote.
23. That the election clerk be authorized to issue transfer certificates on behalf and in the name of the returning officer.
24. That a record of all transfer certificates issued be kept by the returning officer or the election clerk.
25. That, when a candidate withdraws after nomination, and after the ballots have been printed, the election officers should notify all electors of such withdrawal in the most effective manner possible.
26. That a penalty clause be inserted in the Act for employers who refuse to grant, or who interfere in any way with the granting of, two additional hours to their employees for voting.

27. That the use of the official stamp be discontinued, and a printed impression from an Electro or Printers Block be substituted therefor, on the back of the ballot paper.
28. That candidates' agents shall not be allowed to vote on a transfer certificate until after they have subscribed to both the oath in Form 17, and Form 22.
29. That flags, bunting and loud-speakers on cars and trucks and other vehicles should be prohibited on election day.
30. That candidates' agents should, to a reasonable extent, be permitted by law to absent themselves from, and to return to, the polling station at which they are acting.
31. That after the words "Shall publish" in Section 63, subsection 5 of the Act, the words "in the form prescribed by the Chief Electoral Officer," should be inserted.
32. That the statement of the poll in Form 31 and the certificate of the votes polled in Form 32 should be prepared on similar forms, preferably Form 31.
33. That the letter "W" should not be used in the description of women's names on the list of electors.

Owing to the shortness of the Session, your Committee has been unable to complete its study of the methods used to effect redistribution of electoral districts in Canada and other countries, and the evidence at present before it does not warrant a final report thereon. Your Committee therefore suggests that this subject be further considered during the next Session of Parliament.

Your Committee wishes to express its appreciation of the assistance and advice received at all times from the Chief Electoral Officer and the Dominion Franchise Commissioner, as well as from the Counsel to the Committee. Mr. Butcher has made an exhaustive study of all phases of Franchise, Election and Redistribution legislation of other parts of the Empire and of other countries, the laws of which might afford information valuable to the Committee. The result of his study will be found in the Minutes of Proceedings and Evidence. Your Committee therefore endorses the action of the government in furnishing Counsel.

Your Committee further recommends that the evidence taken, together with an index, be printed as an appendix to the Journals of the House. A copy of the Minutes of Proceedings and Evidence taken by the Committee is attached hereto.

All of which is respectfully submitted.

C. E. BOTHWELL,
Chairman.

MINUTES OF PROCEEDINGS

THURSDAY, February 4, 1937.

The Special Committee on Elections and Franchise Acts met at 11 a.m.

Members present: Messrs. Bothwell, Clark (York-Sunbury), Fair, Glen, Heaps, Jean, MacNicol, McCuaig, McIntosh, Parent (*Quebec W. and S.*), Purdy, Rickard, St. Père, Stewart, Stirling, Turgeon, Wood.

In attendance: Mr. Castonguay, Chief Electoral Officer.

On motion of Mr. Glen—

Resolved,—That Mr. Bothwell be Chairman.

Mr. Bothwell took the Chair and thanked the Committee for the honour conferred upon him.

On motion of Mr. Turgeon,—

Resolved,—That permission be sought to have the quorum reduced from 16 to 10 members.

There was discussion as to the advisability of securing the services of Mr. Butcher in an advisory capacity.

On motion of Mr. Turgeon,—

Resolved,—That the Chairman be asked to discuss with the governmental authorities the advisability of giving this committee the services of Mr. Butcher.

On motion of Mr. Wood,—

Resolved,—That permission be asked to print from day to day 500 copies in English and 250 copies in French of the proceedings and evidence.

The Chairman read a letter from Mr. T. G. Norris of Vancouver relative to the status of Canadian-born people of Japanese origin. Mr. Norris will be invited by the Chairman to submit a brief.

On motion of Mr. Turgeon,—

Resolved,—That consideration of Proportional Representation and the Alternative Vote be set aside until the other subject matters of the Order of Reference are disposed of.

The Committee adjourned to meet at the call of the Chair.

WEDNESDAY, February 10, 1937.

The Special Committee on Elections and Franchise Acts met at 11 a.m. Mr. Bothwell, the Chairman, presided.

Members present: Messrs. Bothwell, Clark (*York-Sunbury*), Factor, Glen, Heaps, Jean, MacNicol, McCuaig, McIntosh, Purdy, Rickard, Robichaud, Stewart, Stirling, Turgeon, Wermenlinger.

In attendance: Mr. Harry Butcher, Counsel to the Committee; Mr. Jules A. Castonguay, Chief Electoral Officer.

On motion of Mr. Stirling,—

Resolved,—That the suggested amendments received by the 1936 Special Committee on Elections and Franchise Acts be tabulated and printed to show

(*a*) the suggestions disposed of; and

(*b*) the suggestions held over.

(*Tabulations are shown at the end of this day's evidence.*)

Mr Butcher, assisted by Mr. Castonguay, was heard in regard to the proposed amendments listed below. By permission of the Committee, Mr. McLean (*Simcoe East*) made some observations relative to the amendments under discussion.

(1) That penalties for personation should be increased.

On motion of Mr. Glen,

Resolved,—That the suggestion be negatived.

(2) That candidates should be permitted to pay travelling expenses of voters; also to pay for use of cars for that purpose, one car for every 100 voters.

On motion of Mr. Turgeon,

Resolved,—That the suggestion be negatived.

(3) That there should be conscription of cars for election day.

On motion of Mr. McIntosh,

Resolved,—That the suggestion be negatived.

(4) That polling places should be located primarily for the convenience of electors.

On motion of Mr. Heaps,

Resolved,—That the suggestion stand over.

(5) That candidates should be permitted to employ and pay a limited number of men for canvassing electors.

On motion of Mr. Turgeon,

Resolved,—That the suggestion be negatived.

(6) That every elector should be required to sign his name in the Poll Book when receiving ballot.

On motion of Mr. Factor,

Resolved,—That the suggestion be negatived.

(7) That it should be an offence for any elector to be in possession of any post card notice of polling place other than a card addressed to him personally.

On motion of Mr. Heaps,

Resolved,—That the suggestion stand over.

(8) Personal canvassing and soliciting of votes should be prohibited.

On motion of Mr. Turgeon,

Resolved,—That the suggestion be negatived.

(9) Only one political meeting should be permitted in each poll during a campaign, and at that meeting all candidates should be given equal time to speak.

On motion of Mr. McIntosh,

Resolved,—That the suggestion be negatived.

(10) That deputy returning officers should not be called upon to initial ballots, the use of an embossed stamp would be preferable.

On motion of Mr. McNicol,

Resolved,—That the suggestion be negatived.

(11) That in rural electoral districts the land upon which the elector resides should be stated in the list.

Stood over.

(12) That in rural electoral districts it should be possible to phone applications for removal of names of transients from the list.

On motion of Mr. Glen,

Resolved,—That the suggestion be negatived.

(13) That official agents should be permitted to advance money to candidates for travelling and other necessary expenses.

On motion of Mr. Glen,

Resolved,—That the suggestion be negatived.

(14) That candidates should be permitted to provide meals for deputy returning officers, poll clerks and scrutineers on polling day.

On motion of Mr. McIntosh,

Resolved,—That the suggestion be negatived.

(15) That newspapers should not be permitted to charge double rates for political advertising during election campaign.

On motion of Mr. Factor,

Resolved,—That the suggestion be negatived.

(16) That owners of halls should not be permitted to charge double rates when such halls are used for political meetings.

On motion of Mr. Turgeon,

Resolved,—That the suggestion be negatived.

(17) That provision should be made at the public expense for a scrutineer for each candidate at each poll.

On motion of Mr. Turgeon,

Resolved,—That the suggestion be negatived.

(18) That all deputy returning officers, poll clerks and constables should be under the control of the returning officer.

That the returning officer alone should appoint these officers.

On motion of Mr. Factor,

Resolved,—That the suggestion stand over.

(19) That every elector should be supplied with an identification card and should not be permitted to vote unless he produces that card at the poll and satisfies the election officials that he is the person referred to in that card.

On motion of Mr. Rickard,

Resolved,—That the suggestion be negatived.

(20) That no candidate's agent should be allowed to vote on a transfer certificate until after the agent has subscribed the oath in Form 17 and that the transfer certificate's oath Form 22 should be so worded as to state that this has been done and that the deponent is in fact, or has been acting as an agent for one of the candidates. In the Province of Quebec the issue of transfer certificates to candidates' agents has been discontinued.

On motion of Mr. Turgeon,

Resolved,—That the suggestion stand over.

(21) That no information as to the names and numbers of the electors who have voted should come out of the polling station during polling day. That any candidate's agent who leaves the polling station must not be allowed to return. That only the candidate or the official agent be allowed to visit the polling stations on polling day.

On motion of Mr. Glen,

Resolved,—That the suggestion stand over.

(22) That the number of voters who may enter the room where the poll is held at any one time for the purpose of voting shall be left at the discretion of the Deputy Returning Officer in charge. Sec. 36(4).

On motion of Mr. Glen,

Resolved,—That the suggestion be negatived.

(23) That Section 51(2), the Act with regard to the presence of agents at the final addition of the votes, be clarified.

On motion of Mr. McIntosh,

Resolved,—That the suggestion stand over.

(24) That the ballots the Deputy Returning Officer has inadvertently omitted to initial should be counted at the close of the poll and upon a recount.

On motion of Mr. Turgeon,

Resolved,—That the suggestion be negatived.

The Committee adjourned until Friday, February 12, at 11 a.m.

FRIDAY, February 12, 1937.

The Special Committee on Elections and Franchise Acts met at 11 a.m. Mr. Bothwell, the Chairman, presided.

Members present: Messrs. Bothwell, Clark (*York-Sunbury*), Glen, Heaps, Jean, McLean (*Simcoe East*), MacNicol, McIntosh, Rickard, Robichaud, St. Père, Stewart, Stirling, Turgeon, Wermenlinger.

In attendance: Mr. Harry Butcher, Counsel to the Committee; Mr. Jules A. Castonguay, Chief Electoral Officer.

The suggested amendments listed below were severally considered. Mr. Butcher was the witness assisted by Mr. Castonguay.

1. That the privilege of voting at an advance poll be extended to sheriffs, bailiffs, court officials, students at a University, doctors, nurses, teachers and casual travellers.

   On motion of Mr. Heaps,—
   Resolved,—That the suggestion be negatived.

2. That instead of an advance poll being authorized for a given place in a rural electoral district, it should be established for the whole electoral district.

   On motion of Mr. McLean,
   Resolved,—That the suggestion be negatived.

3. That after the words "each polling division" in Section 32(1) the following words should be inserted "or in an adjacent polling division."

   On motion of Mr. MacNicol,
   Resolved,—That the suggestion be negatived.

4. That the lists of electors be prepared and revised only after the issue of the Writs of Election.

   On motion of Mr. Turgeon,
   Resolved,—That the suggestion stand over.

5. That all agents of candidates at a poll should be qualified electors in the electoral district.

   On motion of Mr. Turgeon,
   Resolved,—That the suggestion be negatived.

6. That the initials of the deputy returning officer on the ballot paper should be written with ink.

   On motion of Mr. Turgeon,
   Resolved,—That the suggestion be negatived.

7. That the election clerk be authorized to issue transfer certificates.

   On motion of Mr. Turgeon,
   Resolved,—That the suggestion stand over.

8. That in Section 106(2) the words "person qualified as an elector in" should be substituted for the words "resident of."

   On motion of Mr. Robichaud,
   Resolved,—That the suggestion be adopted.

9. That the returning officer should be obliged to keep a record of all transfer certificates issued.

   On motion of Mr. McIntosh,
   Resolved,—That the suggestion be adopted.

10. That a candidate should not be allowed to file more than one nomination paper with the returning officer.

    On motion of Mr. MacNicol,
    Resolved,—That the suggestion be negatived.

11. That provisions should be made for the establishment of a floating or travelling poll for the taking of the vote of bed-ridden patients in large hospitals for permanent patients.

On motion of Mr. MacNicol,
Resolved,—That the suggestion stand over.

12. That when in an election the number of candidates exceed ..... the Ballot Boxes used shall be twice the size of those ordinarily used. (Verdun in 1935 an example of the necessity of this provision.)

On motion of Mr. Turgeon,
Resolved,—That the suggestion stand over.

13. All illiterate people should be dropped from the lists of electors.

On motion of Mr. Turgeon,
Resolved,—That the suggestion be negatived.

14. Taking voters to the polls by the workers of any political party should be prohibited, with certain reasonable exceptions.

On motion of Mr. McIntosh,
Resolved,—That the suggestion be negatived.

15. Where Transfer Certificates are granted notice of same should be sent to candidates.

On motion of Mr. McIntosh,
Resolved,—That the suggestion be negatived.

16. That returning officers should be required to instruct all deputy returning officers to phone or wire returns at the close of the poll at Government expense.

On motion of Mr. Turgeon,
Resolved,—That the suggestion stand over and that Mr. Castonguay draft a clause.

17. There should be a uniform system of voting in all elections. Voters should vote with numerals.

On motion of Mr. Turgeon,
Resolved,—That the suggestion be negatived.

The Committee adjourned to meet at the call of the Chair.

TUESDAY, February 16, 1937.

The Special Committee on Elections and Franchise Acts met at 11 a.m. Mr. Bothwell, the Chairman, presided.

Members present: Messrs. Bothwell, Brunelle, Dussault, Factor, Fair, Glen, Heaps, Jean, McLean (*Simcoe East*), MacNicol, McCuaig, McIntosh, Parent (*Quebec W. and S.*), Purdy, Rickard, Robichaud, Stewart, Stirling, Wermenlinger, Wood.

In attendance: Mr. Harry Butcher, Counsel to the Committee; Mr. Jules A. Castonguay, Chief Electoral Officer; Mr. J. T. C. Thompson, Dominion Franchise Commissioner.

The Committee considered the following suggested amendments submitted to the 1936 Special Committee on Elections and Franchise Acts. Messrs. Butcher and Castonguay were heard in explanation.

(1) A candidate's expenses should be limited by law to a certain amount per head of the voting population of the constituency in which he is running.

On motion of Mr. Glen,
Resolved,—That the suggestion stand over.

(2) Election day should be a public holiday—

(*a*) Or at least from one P.M. till the close of poll.

On motion of Mr. MacNicol,
Resolved,—That the suggestion be negatived.

On motion of Mr. McLean (*Simcoe East*),

Resolved,—That a penalty should be imposed on any employer who does not comply with Section 47 of the Dominion Elections Act re giving employees two hours off to vote.

(3) The absentee vote should be abolished as costly and ineffective. (5,334 votes cast; 1,533 rejected; 3,801 valid; printing $16,000; total cost approximately $250,000).

On motion of Mr. Factor,
Resolved,—That absentee voting be abolished.

(4) Right to vote at advance polls should be extended to all qualified electors who will necessarily be away from their polling division on election day.

On motion of Mr. Rickard,
Resolved,—That the suggestion be negatived.

(5) Publication of election returns from East to West should be synchronized, or hours of polling should vary, as for instance—

From ten to eight in Nova Scotia, New Brunswick and P.E.I.
Nine to seven Quebec and Ontario.
Eight to six Manitoba and Saskatchewan.
Seven to five Alberta and British Columbia.

On motion of Mr. Purdy,
Resolved,—That the suggestion stand over.

(6) Public Buildings should be used wherever possible for polling booths.

On motion of Mr. McLean (*Simcoe East*),
Resolved,—That the suggestion be negatived.

The Committee adjourned to meet at the call of the Chair.

Friday, February 19, 1937.

The Special Committee on Elections and Franchise Acts met at 11 a.m. Mr. Bothwell, the Chairman, presided.

Members present: Messrs. Bothwell, Cameron (*Cape Breton North Victoria*), Clark (*York-Sunbury*), Factor, Fair, Glen, Heaps, MacNicol, McCuaig, McIntosh, McLean (*Simcoe East*), Purdy, Rickard, Sinclair, Stewart, Wood.

In attendance: Mr. Harry Butcher, Counsel to the Committee; Mr. Jules A. Castonguay, Chief Electoral Officer; Mr. J. T. C. Thompson, Dominion Franchise Commissioner.

Complying with a request made at the last meeting of the Committee, Mr. Castonguay supplied information respecting the cost of holding advance polls.

Mr. Castonguay submitted two draft amendments—subsection 8A to Section 50, and a new Section 50 (A)—to permit of deputy returning officers telephoning or telegraphing voting results to returning officers.

On motion of Mr. McCuaig,

Resolved,—That no action be taken.

Mr. Castonguay and Mr. Butcher were heard respecting the present system of paying election officers, and submitted a method by which a saving could be effected.

On motion of Mr. Heaps,

Resolved,—That the suggestion be adopted.

Complying with a request made at the last meeting of the Committee, Mr. Butcher submitted a draft amendment to Section 47, viz:—

> 47 (3) Any employer who, directly or indirectly refuses, or by intimidation, undue influence or in any other way, interferes with the granting, to any elector in his employ, of the additional hours for voting as in this section provided, is guilty of an illegal practice and of an offense against this Act punishable on summary conviction as in this Act provided.

On motion of Mr. Factor,

Resolved,—That the suggestion be adopted.

With regard to a suggestion previously considered, viz:—

> That no candidate's agent should be allowed to vote on a transfer certificate until after the agent has subscribed the oath in Form 17 and that the transfer certificate's oath Form 22 should be so worded as to state that this has been done and that the deponent is in fact, or has been acting as an agent for one of the candidates.

Mr. Butcher submitted a draft amendment to Section 34 (4), viz:—

> 34 (4) Every person so appointed agent, shall, before being allowed to vote by virtue of such certificate, take the oath in Form 22, and such oath shall be filed with the deputy returning officer at the polling station where the person taking it has voted,

the oath to be taken reading as follows:—

> I, the undersigned, make oath and say:
> That I am the person described in the above certificate, that I am actually agent of ..... that it is my
> Insert name of candidate
> intention to act in that capacity until the poll is closed, and that I have taken the oath of secrecy in Form 17 of this Act.
> SO HELP ME GOD.

Sworn (or affirmed) before me at the polling station for polling Division No..... this..... day of....., 19.....

.....

Deputy Returning Officer.

On motion of Mr. Factor.

Resolved,—That the proposed amendment be redrafted.

The Committee resumed consideration of suggested amendments:—

(1) There should be polls in hospitals for patients and staffs (See paragraph 18 of Elections Instructions.)

On motion of Mr. Glen,

Resolved,—That the provisions contained in Section 18, subsection F of the Elections Instructions in the 1930 publication be approved.

(2) That polling places should be located primarily for the convenience of electors.

On motion of Mr. McIntosh,

Resolved,—That the suggestion be adopted.

(3) That in rural electoral districts the land upon which the elector resides should be stated in the list.

On motion of Mr. Stewart,

Resolved,—That the suggestion be negatived.

(4) That all deputy returning officers, poll clerks and constables should be under the control of the returning officer. That the returning officer alone should appoint these officers.

Strong objection was taken to the large number of constables engaged in previous elections.

On motion of Mr. McCuaig,

Resolved,—That the suggestion be negatived.

(5) That it should be an offense for any elector to be in possession of any post card notice of polling place other than a card addressed to him personally.

On motion of Mr. McIntosh,

Resolved,—That the suggestion be negatived.

(6) That no information as to the names and numbers of the electors who have voted should come out of the polling station during polling day. That any candidate's agent who leaves the polling station must not be allowed to return. That only the candidate or the official agent be allowed to visit the polling stations on polling day.

On motion of Mr. Heaps,

Resolved,—That the suggestion be negatived.

(7) That candidates' agents should be permitted by law to absent themselves at will from the polling station.

On motion of Mr. Stewart,

Resolved,—That the suggestion stand over and that Mr. Castonguay and Mr. Butcher draft a suitable amendment to Section 34.

The Committee adjourned until Tuesday, February 23, at 11 a.m.

———

TUESDAY, February 23, 1937.

The Special Committee on Elections and Franchise Acts met at 11 a.m. Mr. Bothwell, the Chairman, presided.

Members present: Messrs. Bothwell, Brunelle, Clark (*York-Sunbury*), Fair, Glen, Heaps, Jean, MacNicol, McCuaig, McIntosh, McLean (*Simcoe East*), Parent (*Quebec W. & S.*), Purdy, Rickard, Stevens, Stewart, Taylor (*Norfolk*), Turgeon, Turner, Wermenlinger.

In attendance: Mr. Harry Butcher, Counsel to the Committee; Mr. Jules A. Castonguay, Chief Electoral Officer; Mr. J. T. C. Thompson, Dominion Franchise Commissioner.

The committee resumed consideration of suggested amendments to the Dominion Elections Act viz:—

(1) A candidate's expenses should be limited by law to a certain amount per head of the voting population of the constituency in which he is running.

Mr. Heaps moved,—

That a candidate's total expenses should be limited by law.

In amendment thereto, Mr. Turgeon moved,—

That the motion of Mr. Heaps be not now voted upon, but that it stand over for further consideration.

The question being put on the amendment it was resolved in the affirmative

(2) Contribution from powerful corporations should be curbed—

(*a*) There should be publication of all subscriptions received.

On motion of Mr. Heaps,—

Resolved,—That the suggestion stand over.

It was agreed that at the next meeting, the question of Compulsory Voting should be considered.

The Committee adjourned until Friday, February 26, at 11 a.m.

FRIDAY, February 26, 1937.

The Special Committee on Elections and Franchise Acts met at 11 a.m. Mr. Bothwell, the Chairman, presided.

Members present: Messrs. Bothwell, Brunelle, Cameron (*Cape Breton North-Victoria*), Clark (*York-Sunbury*), Factor, Fair, Glen, Jean, MacNicol, Rickard, Stewart, Stirling, Turgeon, Turner, Wermenlinger.

In attendance: Mr. Harry Butcher, Counsel to the Committee; Mr. Jules A. Castonguay, Chief Electoral Officer.

The Chairman drew the attention of the Committee to the omission of the words

(*c*) Compulsory Registration of Voters."

from the Order of Reference of January 26, 1937, printed in issue No. 1 of the day-to-day Minutes of Proceedings and Evidence.

Ordered,—That correction be made.

The Committee proceeded to consider the question of compulsory voting. Mr. Harry Butcher addressed the Committee. He referred to Australia, Switzerland, Spain, Czechoslovakia, Belgium, Holland and Argentine, indicating in respect of these countries the measure of success that had been achieved.

Mr. MacNicol made an analysis of the situation in Australia, both from a federal and a state point of view. The difference in climatic conditions as between Australia and Canada was stressed.

The Committee adjourned to meet at the call of the Chair.

THURSDAY, March 4, 1937.

The Special Committee on Elections and Franchise Acts met at 11 a.m., Mr. Bothwell, the Chairman, presiding.

Members present: Messrs. Bothwell, Clark (*York-Sunbury*), Factor, Glen, Heaps, Jean, MacLean (*Simcoe East*), MacNicol, McCuaig, McIntosh, Purdy, Rickard, Robichaud, St. Père, Stevens, Stewart, Turner.

In attendance: Mr. Harry Butcher, Counsel to the Committee; Mr. Jules A. Castonguay, Chief Electoral Officer; Mr. J. T. C. Thompson, Dominion Franchise Commissioner.

Compulsory Registration of Voters was considered. Mr. Butcher gave particulars of the systems obtaining in Australia and New Zealand.

On motion of Mr. Factor,

Resolved,—That the Committee does not approve of continuous compulsory registration of voters.

Mr. Castonguay was questioned respecting the time that necessarily elapses between dissolution and election day.

It was decided that Mr. J. T. C. Thompson, Dominion Franchise Commissioner, should be heard at the next meeting.

The Committee adjourned until Tuesday, March 9, at 11 a.m.

TUESDAY, March 9, 1937.

The Special Committee on Elections and Franchise Acts met at 11 a.m. Mr. Bothwell, the Chairman, presided.

Members present: Messrs. Bothwell, Brunelle, Clark (*York-Sunbury*), Fair, Glen, MacLean (*Simcoe East*), MacNicol, McCuaig, McIntosh, Purdy, Rickard, Robichaud, Sinclair, Stirling, Turgeon, Turner, Wermenlinger, Wood.

In attendance: Mr. Harry Butcher, Counsel to the Committee; Mr. Jules A. Castonguay, Chief Electoral Officer; Mr. J. T. C. Thompson, Dominion Franchise Commissioner.

Mr. MacNicol requested that the following corrections be made in the printed proceedings, viz:—

Page 168, 5th last line, delete "A man" and substitute "Two men."

Page 168, 4th last line, delete "and 1932."

Ordered,—That the above changes be made.

The cost of enumeration and printing of lists was considered. Mr. Butcher read a letter received by him from Mr. Thompson, Dominion Franchise Commissioner, indicating methods by which reduction of costs could be effected. Thereafter Mr. Thompson and Mr. Castonguay were heard and questioned.

On motion of Mr. Wood,—

Resolved,—That, where possible, lists should be printed.

On motion of Mr. Turgeon,—

Resolved,—That compulsory voting be not recommended.

On motion of Mr. McIntosh,—

Resolved,—That compulsory registration be not recommended.

On motion of Mr. Robichaud,—

Resolved,—That, instead of having a permanent list and an annual revision, reversion to the principle of the 1930 Act be recommended.

The Committee adjourned until Thursday, March 11, at 11 a.m.

THURSDAY, March 11, 1937.

The Special Committee on Elections and Franchise Acts met at 11 a.m.

Members present: Messrs. Brunelle, Clark (*York-Sunbury*), Fair, Glen, Heaps, MacNicol, McIntosh, Purdy, St-Père, Sinclair, Stevens, Stewart, Turgeon, Turner, Wood.

In attendance: Mr. Harry Butcher, Counsel to the Committee; Mr. Thomas Reid, M.P.

In the absence of Mr. Bothwell, Chairman, on motion of Mr. Turgeon:—

Resolved,—That Mr. Glen act as Chairman.

Mr. Glen took the Chair.

Having intimated that Mr. Thomas Reid, M.P., was present to make a submission, the acting chairman suggested that the members of the committee should be afforded an opportunity at a subsequent meeting to examine Mr. Reid thereon. On motion of Mr. Turgeon:—

Resolved,—That the acting chairman's suggestion be adopted.

Mr. Thomas Reid, M.P., was called.

The Japanese Canadian Citizens' League, composed of Canadian-born people of Japanese descent, submitted a brief to the 1936 Special Committee on Elections and Franchise Acts requesting that clause (XI) of section 4 of the Dominion Franchise Act, 1934, and amending Acts be repealed. Mr. Reid addressed the committee in rebuttal of the said brief.

Mr. Reid retired.

The Committee adjourned to meet at the call of the Chair.

TUESDAY, March 16, 1937.

The Special Committee on Elections and Franchise Acts met at 11 a.m. Mr. Bothwell, the Chairman, presided.

Members present: Messrs. Bothwell, Cameron (*Cape Breton-North Victoria*), Glen, Heaps, MacNicol, McCuaig, McIntosh, Purdy, Rickard, Robichaud, Sinclair, Stewart, Stirling, Turner, Wermenlinger.

In attendance: Mr. Harry Butcher, Counsel to the Committee; Mr. Jules A. Castonguay, Chief Electoral Officer; Mr. J. T. C. Thompson, Dominion Franchise Commissioner; Mr. Thomas Reid, M.P.; Mr. A. W. Neill, M.P.

The Committee resumed consideration of the requests made to the 1936 Special Committee on Elections and Franchise Acts for the enfranchisement of Canadian-born people of Japanese descent. It was decided to defer questioning Mr. T. Reid, M.P., until Mr. A. W. Neill, M.P., had been heard.

Mr. A. W. Neill, M.P., was called. He made an analysis of the evidence submitted last session, and was questioned.

Mr. Thomas Reid, M.P., was recalled and questioned.

The Chairman conveyed the thanks of the Committee to Messrs. Reid and Neill.

Messrs. Reid and Neill retired.

For his comments thereon, a copy of the evidence given by Messrs. Reid and Neill will be transmitted to Mr. T. G. Norris, K.C., Vancouver, who submitted a brief to the 1936 committee on behalf of the Japanese Canadian Citizens' League.

The Committee adjourned to meet at the call of the Chair.

TUESDAY, March 23, 1937.

The Special Committee on Elections and Franchise Acts met at 11 a.m. Mr. Bothwell, the Chairman, presided.

Members present: Messrs. Bothwell, Clark (*York-Sunbury*), Fair, Glen, Heaps, MacNicol, McCuaig, McIntosh, McLean (*Simcoe East*), Purdy, Rickard, Robichaud, Sinclair, Stewart, Stirling, Turner, Wermenlinger, Wood.

In attendance: Mr. Harry Butcher, Counsel to the Committee; Mr. Jules A. Castonguay, Chief Electoral Officer; Mr. J. T. C. Thompson, Dominion Franchise Commissioner.

Mr. Castonguay replied to questions respecting the filing by candidates of election expenses.

The Committee resumed consideration of suggested amendments.

(1) A candidate's expenses should be limited by law to a certain amount per head of the voting population of the constituency in which he is running.

On motion of Mr. Robichaud,—

Resolved,—That this suggestion be negatived.

(2) Contribution from powerful corporations should be curbed—

(*a*) There should be publication of all subscriptions received.

On motion of Mr. Purdy,—

Resolved,—That this suggestion be negatived.

(3) Closed lists should be abolished in rural constituencies and in rural polls in urban constituencies.

Mr. Heaps moved that all polls in incorporated towns or cities of a population of 2,500 or over in rural constituencies shall be regarded as urban polls.

Mr. McIntosh moved in amendment that the figures " 2,500 " be deleted and " 5,000 " substitued therefor.

Mr. McLean (*Simcoe East*) moved in amendment to the amendment that all lists be closed.

The question being put on the amendment to the amendment, it was resolved in the negative.

The question being put on the amendment, the Committee divided equally, Yeas 7, Nays 7. The Chairman voted Nay and declared the question resolved in the negative.

The question being put on the main motion, it was resolved in the negative, Yeas 6, Nays 8.

Mr. Stirling moved that all polls in incorporated towns or cities of a population of 4,000 or over in rural constituencies shall be regarded as urban polls.

Mr. Fair moved in amendment that the figures " 4,000 " be deleted and " 3,500 " substituted therefor.

The question being put on the amendment, it was resolved in the affirmative.

(4) Young people coming of age prior to day of election and otherwise qualified should be permitted to vote on production of birth certificate if vouched for by a resident elector.

On motion of Mr. Wood,—

Resolved,—That the following be adopted:

Young people, otherwise qualified, who attain the age of 21 years prior to or on the date of election shall be entitled to have their names placed on the voters' list.

(5) Advising voters by card as to time and place of poll should be abandoned.

Mr. Stirling moved that in urban polls voters should be advised by card as to the time and place of voting.

Mr. Fair moved in amendment that notification by card be sent to all voters.

Mr. McCuaig moved in amendment to the amendment that advising voters by card be abandaned.

The question being put on the amendment to the amendment, it was resolved in the affirmative.

(6) At a previous meeting of the Committee, Mr. Castonguay, Chief Electoral Officer, suggested that in urban polling divisions there be sent to each dwelling therein a copy of the preliminary printed list of electors for the polling division in which the dwelling is situated.

On motion of Mr. Purdy,—

Resolved,—That Mr. Castonguay's suggestion be adopted and that a form, somewhat similar to the one he produced, be used showing the time and place of voting.

The Committee adjourned until Thursday, March 25, at 11 a.m.

THURSDAY, March 25, 1937.

The Special Committee on Elections and Franchise Acts met at 11 a.m. Mr. Bothwell, the Chairman, presided.

Members present: Messrs. Bothwell, Brunelle, Cameron (*Cape Breton N.*), Clark (*York-Sunbury*), Factor, Fair, Glen, Heaps, McIntosh, McLean (*Simcoe E.*), Purdy, Rickard, Robichaud, Sinclair, Stewart, Stirling, Wermenlinger, Wood.

In attendance: Mr. Harry Butcher, Counsel to the Committee; Mr. Jules A. Castonguay, Chief Electoral Officer; Mr. J. T. C. Thompson, Dominion Franchise Commissioner.

The committee resumed consideration of suggested amendments.

(1) That there should be two enumerators engaged in preparation of lists in rural polls as well as in urban.

On motion of Mr. McLean,—
Resolved,—That this suggestion be negatived.

(2) That no candidate's agent should be allowed to vote on a transfer certificate until after the agent has subscribed the oath in Form 17 and that the transfer certificate's oath Form 22 should be so worded as to state that this has been done and that the deponent is in fact, or has been acting as an agent for one of the candidates. In the Province of Quebec the issue of transfer certificates to candidates' agents has been discontinued.

Mr. Butcher submitted a revised form of oath as requested on February 19.

At the request of the chairman, Mr. Glen took the chair.

On motion of Mr. Stewart,—
Resolved,—That Form 22 should be inserted in the Act in regard to the oath.

Discussion followed respecting outside scrutineers. Mr. Butcher was requested to ascertain from statutes he has consulted what practice obtains in other countries.

(3) That section 51 (2), the Act with regard to the presence of agents at the final addition of the votes, be clarified.

Mr. Butcher submitted a draft amendment.

On motion of Mr. MacNicol,—
Resolved,—That no change be made.

(4) That the election clerk be authorized to issue transfer certificates.

On motion of Mr. McLean,—
Resolved,—That this suggestion be adopted.

(5) That when in an election the number of candidates exceed .... the Ballot Boxes used shall be twice the size of those ordinarily used. (Verdun in 1935 an example of the necessity of this provision.)

It was the opinion of the committee that Mr. Castonguay has authority to meet a contingency of this kind.

(6) That each sheet consisting of the official lists of electors for a polling division shall bear an impression made by the returning officer's official stamp.

(7) That after the words " official stamp " in Section 15, the following words should be inserted: " which may be in the form of an Electro or Printers Block."

On motion of Mr. MacNicol,—

Resolved,—That electro plates should be substituted for rubber stamps.

(8) That after the words " day prior to the day fixed " in Section 26, the following words should be inserted " not counting Sundays."

Mr. Butcher submitted a redraft of Section 26.

On motion of Mr. Clark,—

Resolved,—That the redraft of Section 26 be adopted.

(9) That after the words " every person ", in Section 37(1), the following words should be inserted, " no matter in what polling division he or she may reside or be an elector ".

On motion of Mr. MacNicol,—

Resolved,—That this suggestion be negatived.

(10) That after the words " shall publish ", in Section 63 (5), the following words should be inserted " in the form prescribed by the Chief Electoral Officer."

On motion of Mr. Robichaud,—

Resolved,—That this suggestion be adopted.

(11) That all oaths of electors subscribed on polling day at the polling station should be in the form of an affidavit.

On motion of Mr. Cameron,—

Resolved,—That this suggestion be negatived.

(12) That owners of buildings used as polls in rural polling divisions be paid as much as those for urban polling divisions, namely—$10.

Mr. Fair moved that all rates be fixed at $8.

The question being put, it was resolved in the negative. Yeas, 6; Nays, 8.

The Committee adjourned until Tuesday, March 30, at 10 a.m.

TUESDAY, March 30, 1937.

The Special Committee on Elections and Franchise Acts met at 11 a.m. Mr. Bothwell, the Chairman, presided.

Members present: Messrs. Bothwell, Clark (*York-Sunbury*), Glen, Heaps, MacNicol, McCuaig, McLean (*Simcoe East*), Purdy, Rickard, Robichaud, Sinclair, Stewart, Turner, Wermenlinger, Wood.

In attendance: Mr. Harry Butcher, Counsel to the Committee; Mr. Jules A. Castonguay, Chief Electoral Officer.

The Chairman intimated that Mr. Butcher had made a study of registration methods and permanent lists of certain states in the American union, and had made a synopsis of his findings in relation thereto.

On motion of Mr. MacNicol,

Resolved,—That Mr. Butcher's synopsis be printed as an appendix to this day's evidence.

The Chairman announced the receipt of a telegram from Mr. Norris of Vancouver requesting that representations be received next session in reply to the evidence given by Mr. Reid, M.P., and Mr. Neill, M.P.

The Chairman suggested the advisability of commencing the preparation of a report to the House.

On motion of Mr. Stewart,

Resolved,—That the Chairman, Mr. Butcher and Mr. Castonguay should prepare a draft report for the consideration of the Committee.

The committee resumed consideration of suggested amendments.

(1) Publication of election returns from East to West should be synchronized, or hours of polling should vary, as for instance,—

From ten to eight in Nova Scotia. New Brunswick and P.E.I.
Nine to seven Quebec and Ontario.
Eight to six Manitoba and Saskatchewan.
Seven to five Alberta and British Columbia.

Mr. Robichaud moved that this suggestion be negatived.

Mr. Stewart moved in amendment that the suggestion stand over until the British Columbia members of the Committee are heard.

The question being put on the amendment, it was resolved in the affirmative.

(2) Should teachers be permitted to vote at their option either at the place in which they live or at the place at which they teach, if they are on the two lists of electors?

It was the opinion of the Committee that the 1930 principle should be adopted.

(3) Temporary resident engaged in construction work should not be entitled to vote in constituency where temporarily located.

On motion of Mr. Glen,—

Resolved,—That it be recommended that Chief Electoral Officer be empowered, five days after the issue of the writ, to treat such polling divisions as urban.

(4) That more time should be given to the returning officers to revise their respective polling division arrangements.

On motion of Mr. Glen,—

Resolved,—That this suggestion be adopted.

(5) That the statement of the poll, in Form 31, and the certificate of the votes polled, in Form 32, should be prepared on similar forms, preferably Form 31.

On motion of Mr. Stewart,—

Resolved,—That this suggestion be adopted.

(6) That no entry should be made in the Poll Book until it has been ascertained that the name of the elector is entered on the official list of electors. Section 36(4).

On motion of Mr. Wood,—

Resolved,—That this suggestion be adopted.

(7) That in urban polling divisions a supervisor should be appointed for every 30 polling stations to supervise the polling on the day of the election.

On motion of Mr. Wermenlinger,—

Resolved,—That this suggestion be negatived.

(8) Should Returning Officer be required to stay in his office on polling day?

On motion of Mr. McLean,—

Resolved,—That either the returning officer or his clerk should be in the office on polling day.

(9) That a copy of the official lists of electors for the individual poll be furnished to the deputy returning officers as soon as these lists have been closed.

On motion of Mr. McLean,—

Resolved,—That this suggestion be negatived.

(10) That the printed lists in urban polling divisions containing more than 300 electors should, for the taking of the vote, be divided numerically instead of geographically.

Mr. Butcher suggested that no list of electors shall be split up for the taking of the vote unless it contains more than 350 names.

On motion of Mr. Glen,—

Resolved,—That Mr. Butcher's suggestion be adopted.

(11) Voters awaiting the opportunity to vote at the closing of the polls should be permitted to vote.

On motion of Mr. Glen,—

Resolved,—That this suggestion be adopted.

(12) That instead of pencils for marking ballots at the poll a rubber stamp with an "X" should be provided for each polling station and used by the voter.

On motion of Mr. Wood,—

Resolved,—That this suggestion be negatived.

(13) That in urban polling divisions the returning officers must hold schools for deputy returning officers and poll clerks.

On motion of Mr. Clark,—

Resolved,—That this suggestion be negatived.

(14) That revision of the lists of rural enumerators should not be dispensed with.

On motion of Mr. Rickard,—

Resolved,—That this suggestion be adopted.

The Committee adjourned until Thursday, April 1, at 10 a.m.

THURSDAY, April 1, 1937.

The Special Committee on Elections and Franchise Acts met at 10 a.m. Mr. Bothwell, the Chairman, presided.

Members present: Messrs. Bothwell, Clark (*York-Sunbury*), Fair, Glen, Heaps, MacNicol, McCuaig, McLean (*Simcoe East*), Purdy, Rickard, Robichaud, Stewart, Stirling, Taylor (*Norfolk*).

In attendance: Mr. Harry Butcher, Counsel to the Committee; Mr. Jules A. Castonguay, Chief Electoral Officer.

The Chairman announced that he had requested Mr. Norris of Vancouver to submit any further statements he may desire to make relative to enfranchisement of Canadian-born of Japanese descent to the Secretary of State instead of to this Committee.

Mr. Butcher submitted a memorandum prepared by him respecting the conduct of scrutineers at polls.

On motion of Mr. MacNicol,—

Resolved,—That this memorandum be printed into the record.

The Committee resumed consideration of suggested amendments.

(1) Suggested amendments to Elections Act to facilitate voting by mariners. (Canadian Navigators' Federation Inc.)

On motion of Mr. Glen,—

Resolved,—That these suggestions be negatived.

(2) Suggested new form of ballot. (Mr. A. Huckerby of Kennedy, Saskatchewan.)

On motion of Mr. McCuaig,—

Resolved,—That this suggestion be negatived.

(3) Suggested form of ballot for alternative voting. (Mr. Jopp of Swift Current.)

On motion of Mr. MacNicol,—

Resolved,—That this suggestion be negatived.

(4) Suggested system of Proportional Representation. (Mr. Walker of Swift Current.)

On motion of Mr. MacNicol,—

Resolved,—That this suggestion be negatived.

On motion of Mr. Robichaud,—

Resolved,—That this Committee approves of the findings of last year's special committee on Elections and Franchise Acts respecting Proportional Representation.

The Committee adjourned until Friday, April 2, at 10 a.m.

FRIDAY, April 2, 1937.

The Special Committee on Elections and Franchise Acts met at 10 a.m. Mr. Bothwell, the Chairman, presided.

Members present: Messrs. Bothwell, Clark (*York-Sunbury*), Fair, Glen, Heaps, MacNicol, McLean (*Simcoe East*), Purdy, Robichaud, Sinclair.

In attendance: Mr. Harry Butcher, Counsel to the Committee; Mr. Jules A. Castonguay, Chief Electoral Officer; Mr. J. F. Pouliot, M.P.

Mr. Fair requested that the following correction be made in the printed proceedings of the Committee:—

Page 263, Line 6. Delete "I have a rural area in my particular constituency, and we have 1,138 square miles for each federal polling division" and substitute "I have in my particular constituency an area of 6,620 square miles or an average of a little over 38 square miles in each federal polling division."

Mr. Robichaud requested that the following correction be made in the printed proceedings of the Committee:—

Page 312, Line 17. Delete "Mr. Chairman, it seems to me to be foolish to ask for a compromise when we can leave things" and substitute "Mr. Chairman, it just flashed through my mind that we can leave things".

Mr. Butcher suggested that a correction be made in the minutes of proceedings of March 25 respecting the suggestion "That there should be two enumerators engaged in preparation of lists in rural polls as well as in urban." This suggestion was shown as having been adopted, whereas it was negatived.

Ordered,—That the above corrections be made.

The Committee proceeded to consider methods used to effect a redistribution of electoral districts in Canada and other countries.

Mr. J. F. Pouliot, M.P., was called. He reviewed the changes that have been made in the Province of Quebec from 1853. Later he was questioned.

Mr. Pouliot retired.

Mr. Butcher was recalled. He indicated the methods used to effect redistribution in Great Britain, Australia, New Zealand, and in the United States of America.

The Committee adjourned at 11 a.m. until Monday, April 5, at 10 a.m.

MONDAY, April 5, 1937.

The Special Committee on Elections and Franchise Acts met at 10 a.m. Mr. Bothwell, the Chairman, presided.

Members present: Messrs. Bothwell, Brunelle, Clark (*York-Sunbury*), Factor, Glen, MacNicol, McCuaig, McIntosh, McLean (*Simcoe East*). Purdy, Rickard, Robichaud, Stewart, Stirling, Turner.

In attendance: Mr. Harry Butcher, Counsel to the Committee; Mr. Jules A. Castonguay, Chief Electoral Officer.

The Committee resumed consideration of the question of redistribution of electoral districts. Mr. Brunelle and Mr. MacNicol were of the opinion that county boundaries should, when feasible, determine constituency boundaries.

The Chairman presented a draft report which was considered and amended.

The Committee adjourned until Tuesday, April 6, at 10 a.m.

TUESDAY, April 6, 1937.

The Special Committee on Elections and Franchise Acts met in camera at 10 a.m. Mr. Bothwell, the Chairman, presided.

Members present: Messrs. Bothwell, Clark (*York-Sunbury*), Fair, Glen, MacNicol, McCuaig, McLean (*Simcoe East*), Purdy, Stirling, Taylor (*Norfolk*), Wood.

In attendance: Mr. Harry Butcher, Counsel to the Committee; Mr. Jules A. Castonguay, Chief Electoral Officer.

Consideration was resumed of the proposed report to the House.

On motion of Mr. Glen,—

Resolved,—That the draft report, as amended, be approved, and that it be presented to the House.

Mr. MacNicol expressed appreciation for the assistance rendered by Mr. Butcher, Counsel to the Committee. Mr. MacNicol's remarks were endorsed by Mr. Fair and by the Committee generally.

Mr. Butcher thanked the Committee for the tributes paid to him.

Mr. Glen suggested that the Chairman deserved a vote of thanks for the efficient and courteous manner in which he had officiated, and expressed the hope that, in the event of the Committee being revived next session, Mr. Bothwell would again preside. Mr. Glen's statement was received with unanimous approval.

In conveying his thanks, the Chairman referred to the splendid co-operation he had received from the Committee.

The Committee adjourned *sine die*.

MINUTES OF EVIDENCE

HOUSE OF COMMONS, ROOM 429,

February 4, 1937.

The Special committee appointed to study the Dominion Elections Act, 1934, and amendments thereto, and the Dominion Franchise Act, 1934, and amendments thereto and to report on the methods used to effect a redistribution of electoral districts in Canada and in other countries and to make suggestions to the house in connection therewith met at 11 o'clock.

Mr. C. E. Bothwell was again chosen by the committee as its chairman.

The CHAIRMAN: Gentlemen, I thank you very much for the honour you have conferred upon me this morning in giving me the opportunity of occupying the chair again this year. This year the resolutions that have been given to us for consideration are in exactly the same form as last year. The motion was put through on the 26th of January and the subsequent motion dealing with redistribution was put through the house on the 2nd of February. Last year we dealt with the proportional representation system and the alternative vote in single member constituencies. Some members may want to discuss these subjects again this year because they are referred to us; but it strikes me it would be advisable for us to go into the other matters which we did not deal with last year first, so that we will have covered all of the work that is submitted to us for consideration.

Last year we had the advantage of having Mr. Butcher with us, and I was hoping that we would have him with us again this year. Although he is not here yet, I do know that since the committee adjourned last year Mr. Butcher visited on his way home different states of the American Union and gathered a lot of information from officials of those states. I have not made any request to the minister to have Mr. Butcher here, but I should like an expression of opinion from the members of the committe as to what they desire.

Mr. MACNICOL: I had hoped that Mr. Butcher would be here this morning. I was under the impression that he was still at the service of the committee. If that is not so, I would strongly recommend that we have him again. He seems to approach the matter from an unbiassed point of view, and his thoroughness was well demonstrated last year. I know that he has visited a number of states, because I came across his tracks myself when I was on the other side.

The CHAIRMAN: I wanted to get an expression of opinion from members of the committee, and if you are unanimous in this regard I shall immediately speak to the minister.

Mr. PARENT: I believe we should have Mr. Butcher here to give us all the information he has gathered since the committee adjourned last year. He has made a special study of this matter which is very important and will be dealt with accordingly.

The CHAIRMAN: I have a letter from Mr. Butcher in which he says he was paid $30.70 per day last year. I do not know how that amount was arrived at. He put in a bill only for the time he served with the committee and was on the express business of the committee As a matter of fact, he was not paid very much when compared with other counsel.

Mr. PARENT: He deserves a bonus.

Mr. MCLEAN: Are there any other officials in Ottawa who could serve this committee without so much expense?

Mr. JEAN: I am of the opinion that Mr. Butcher is very useful to this committee and that we should have him here this year.

Mr. TURGEON: I think the chairman should request that Mr. Butcher be sent for and then the discussion will come up as to the matter of cost.

Hon. Mr. STEWART: Of course, it will depend on what we are going to do. If we are going back to the old Franchise Act—the one we had prior to the last one—I do not know when it was introduced—it is there on the statute book—if we are adopting that in principle, we have at our command the services of Mr. Castonguay and those of Colonel Thompson, the Franchise Commissioner, and we can get a good deal of information from them. I appreciate that Mr. Butcher has made a thorough study of these matters, but if we are going back there is not much to study there.

The CHAIRMAN: We have this question before us:—

> That the special committee appointed to study the Dominion Elections Act, 1934, and amendments thereto, and the Dominion Franchise Act, 1934, and amendments thereto, be instructed to study and make report on the methods used to effect a redistribution of electoral districts in Canada and in other countries and to make suggestions to the house in connection therewith.

You will recall that the motion which was on the order paper was in a somewhat different wording, and Mr. Lapointe agreed to refer that matter to this committee in this form. Mr. Butcher has made a study of that particular subject, and I believe you will require his services.

Hon. Mr. STEWART: There are only two or three ways to have a redistribution: one is by the House of Commons, by committees, such as we have been doing for years, or by a board of judges. These methods are all well known.

The CHAIRMAN: Of course, we have to fix the principles.

Hon. Mr. STEWART: I do not think we can get very far away from the two or three well established lines of effecting redistribution. It is a matter of which we are going to select. I take it that we have disposed of proportionate representation and the single transferable vote. Unless somebody desires to open those controversial questions again, they are finished with. Now, with regard to the question of redistribution, do we want it done by a board of judges or by committees of this house, or do we want to have some commission do it?

The CHAIRMAN: Is it not advisable for us to have information as to what happens in Australia and New Zealand and other countries in that connection?

Hon. Mr. STEWART: What might be suitable in those countries might not be at all suitable for Canada. It seems to me we cannot pick out of any other country any system that they may have adopted which is going to work in Canada. In my opinion we have got to work out some method which suits Canadian conditions and Canadian people. I do not think anything else would ever meet our requirements. That seems to be the spirit of Canada anyway; we want to develop something of our own. This is all very difficult. Thirty years ago, in the enthusiasm of my comparative youth, I studied this question of redistribution. I bought magazine articles. I took them, and I filed them, and I thought I had a solution for the whole question; but having been on the redistribution committee in 1922 and on the committee in 1932 my views on the problem are altogether modified. I would like to say with all candour that it is the most difficult and perplexing problem with which parliament has to deal. I do not think there is any doubt that we are getting away from the feeling which existed forty years ago that there was some large advantage gained by carving up constituencies There is not. It will not save any party; and anything but a fair, decent, honest redistribution will hurt any party in Canada that makes it.

Now, how can we work out some system for bringing about such a redistribution? In some of the dominions like, say, South Africa, Australia and New Zealand where they have a unitary system, and where they have not provinces to consider—of course, the provinces do not enter into this redistribution—their conditions are entirely different. We have a fixed factor in our redistribution. We start with the province of Quebec with sixty-five members. They have been allotted sixty-five members; they cannot have more than sixty-five no matter what their population amounts to; and then they furnish the key for the rest of the dominion. So, we have a fixed factor there with which we have got to deal. When we come to the other provinces, the effect is that some are cut down—there have been reductions in the Maritime provinces and in Ontario because the unit of population increases by approximately eight to ten thousand every ten years—and the west has expanded. Now, what they are doing in other countries where they have not that fixed factor, where they have not that principle that must be applied, will not be very much help to us. We have got to sit down and face the situation in the light of what is determined and fixed by the British North America Act. The time probably will come when the province of Quebec will say that sixty-five members are not enough, but until they do the condition is there and we have to meet it. These other countries are free. There is no relation between their provinces in regard to representation. They can adopt any unit they like and change it from time to time, and the fact that one province has a certain representation would not necessarily make it follow that in other states of those unions the same representation should obtain. That is the situation as I see it.

Mr. TURGEON: What Mr. Stewart says is true. We have these fixed factors; but we have had those fixed factors ever since parliament has been dealing with redistribution. They were in existence at the last redistribution which now is being complained of, and they have provided the reason for this reference to this committee. During our work of the last session I differed on several occasions from Mr. Butcher's findings, suggestions and recommendations. However, I do believe that this committee should have the services of Mr. Butcher. We have not got to agree with him. Everybody on this committee, regardless of what has been done in the past, as Mr. Stewart says, is anxious to bring about a fair and just redistribution, is anxious to do this work in a fair and equitable manner, and I think if we are going to take any definite, conclusive action in regard to our recommendations on redistribution, every member here will want to act in a fair and equitable manner.

Mr. MCINTOSH: It was impossible for me to be present at the opening. Am I clear in regard to Mr. Butcher? Is he to confer with the committee on all the work before the committee or just in regard to constituency boundary lines?

The CHAIRMAN: We shall have his services available to us on any matter in connection with the reference to this committee. He has made a study of election acts and the operation of franchise acts and election acts in other parts of the world.

Mr. MCCUAIG: Is it your intention to have Mr. Butcher here all the time we are in session, or are we to formulate questions and ask Mr. Butcher to deal with them?

The CHAIRMAN: He had the same reference before him last year that we have this year; and I do know that Mr. Butcher has made a study of all matters pertaining to the reference.

Mr. MCCUAIG: I think we can easily save a great deal of expense and time of the committee if we disposed of two or three of the questions that arose last year.

Mr. GLEN: Did not Mr. Bennett make a suggestion that the work of the committee of last year should be carried forward to the committee this year?

The CHAIRMAN: Yes. (Reading from the Order of Reference) "And, furthermore, that the minutes of the evidence and the report of the special committee appointed in the last session of parliament to study the Dominions Election Act, in 1934, and the Franchise Act, 1934, be referred to the committee." I think, so far as we are concerned, we are satisfied with it. We can simply endorse the report that was made last year, and that is all.

Mr. GLEN: If you remember, last year, we were dealing mostly with the act in regard to by-elections. The report we made and the bill we drew up had to do with principles in regard to the new Franchise Act. Are we as a committee to deal with the new act and make references in view of a general election?

The CHAIRMAN: We have to consider all the suggestions that have been made in regard to amendments to both our Franchise Act and Election Act this year in order to inform the government as to what this committee considers would be necessary changes in the present acts, so that the government will be in a position to draft the Acts next year.

Mr. GLEN: That was my understanding, but I wanted to have it on record. In that case I think we shall need Mr. Butcher, because we shall have to go over it as we did last year, and in the light of the investigations he has made during the recess with regard to redistribution we shall need somebody to give us a drafting. I am of the opinion that none of us has the time to study this matter to the same extent as Mr. MacNicol. I think we shall need Mr. Butcher. The question to be considered is the value of his services. As has been said some counsel are getting tremendous salaries. Mr. Butcher received only $30.70 a day, which seems to me a very moderate sum for the work he did. Then we are to get the benefit of all he has done during the recess, which will not be charged to the committee.

The CHAIRMAN: I have a letter from a man named T. G. Norris of Vancouver, which I shall read. (Reads letter.) That letter came to me on the 18th and I replied immediately as follows. (Reads letter.)

Mr. TURGEON: Mr. Chairman, in that regard I should like to say that there are other associations in British Columbia who will want to be heard if we are going to open up the matter of Canadian-born Japanese. Mr. Norris, if I remember rightly, was counsel for the Japanese who appeared here last session. I understand there are other associations in British Columbia who will want to make representations against Mr. Norris's recommendations, if the question is opened up. I wish you would keep that in mind.

The CHAIRMAN: I had in mind replying to Mr. Norris that the brief that was submitted last year, I presume, covers everything that the Canadian-born Japanese have to submit. I have had personal applications from other members of the house asking to be heard in answer to that brief. Possibly we might, during this session, devote a day or two to that work, and I shall advise Mr. Norris to that effect.

Mr. MCINTOSH: Should we not decide where the representation should come from; whether the representation should come from inside the house or outside the house or a combination of the two. Are we going to narrow it down to a few members from British Columbia?

Mr. MACNICOL: The Japanese gave a very full representation of their case. I am inclined to agree with what you have outlined. If anything can be added to what the Japanese have said, or if they decide to add anything to what they said, we can give effect to that. On the other hand, if there are members of the house who wish to come before the committee and make representation we cannot refuse them that privilege.

The CHAIRMAN: Would it be agreeable for me to reply to Mr. Norris saying that if he has anything further to submit to add to the brief submitted last year —which was a good brief—we shall be glad to receive it, and that we expect to devote a day or two to analysing the brief and hearing witnesses who have made an analysis of it ?

Mr. MCINTOSH: I think that would be fair.

Mr. GLEN: In other words, give them the opportunity to reply to any representations made against their brief.

The CHAIRMAN: If Mr. Norris wants to come here as counsel for them it is up to him.

Mr. MACNICOL: If representations have been made in reference to what the Japanese presented there would be no objection to sending them copies as we receive them, and if they desire to make any further representation after they have digested the representations against their brief, they have the privilege.

The CHAIRMAN: In our notice of the next meeting we shall endeavour to inform you of the matters we shall deal with, unless any member has a special subject he should like brought up. That will be done after I have consulted with Mr. Lapointe.

Mr. TURGEON: We should decide to leave aside at the moment matters upon which we reported last session.

Mr. MACNICOL: We considered the compulsory vote and compulsory registration but we did not arrive at any conclusion.

The Committee adjourned to meet at the call of the Chair.

HOUSE OF COMMONS, ROOM 429,

February 9, 1937.

The Special Committee on Elections and Franchise Acts met at 11 o'clock, Mr. Bothwell the chairman presided.

The CHAIRMAN: Gentlemen, we have a quorum. Since the last meeting, and particularly in view of the fact that Mr. Butcher is here, we thought it would be advisable to go over the suggestions for amendments to the acts that we had not dealt with last year. You will remember that we went through some thirty-five or forty suggestions and we held out nineteen or so for further consideration, disposing of the balance. There are still several pages of suggestions that we thought we had better dispose of as far as we could. Those we have had to hold over will be given further consideration. We thought that when we had gone through this list of suggestions we could have it typed or mimeographed, or something of that kind, and have the suggestions that had been held over distributed to members of the committee, and we could take them up in order from day to day until we have disposed of them.

Mr. MACNICOL: Did we pass judgment on any of the suggestions that were suggested last year?

The CHAIRMAN: Yes, we did.

Hon. Mr. STIRLING: Would it be desirable to list those that were considered and disposed of, for purposes of the record?

The CHAIRMAN: It would not be much trouble to do that. Do you mean to have them distributed to members of the committee?

Hon. Mr. STIRLING: No, our proceedings are being printed, are they not?

The CHAIRMAN: Yes.

Hon. Mr. STIRLING: Then, the record would show those that were dealt with and disposed of last year and those that are held over.

The CHAIRMAN: We might have these put together and included in the proceedings of our next meeting.

Hon. Mr. STIRLING: It seems to me that would be desirable.

The CHAIRMAN: We have a record of them as they came up last year, but they are scattered through the record.

Now, I have a letter here that has been passed on to me from the Prime Minister's office, and I think it is desirable to read it. It comes as a new suggestion. It has been passed on from the Prime Minister's secretary, and is a letter signed by Richard H. Babbage of Montreal.

The letter reads as follows:—

> I have been reading with a great deal of interest the Hansard report of the debate on redistribution. When the matter comes before the committee on elections I would like to see consideration given to the feasibility of changing the basis of representation from a "territorial" to a "functional' 'system.
>
> I see no health in a democracy maintained by recourse to gerrymander and election fraud. It is the sort of evil I should expect a Liberal government to eradicate at the first opportunity. The crooked politician or election agent is a far greater menace to our national welfare than government by a perfect autocrat. I think that if all the farmers and all the financiers and the traders and labourers had to choose their representatives in each province, without regard for boundaries that run down back alleys, the best men would get into parliament at an earlier age, than at present, which would be good for the country. If changes are made we should try to progress from responsible government to truly representative government.
>
> Maybe I might go back to my pamphleteering to elaborate this idea. With kind regards,

Now, Mr. Butcher has all of the suggestions noted in short form, and I think we can proceed with them.

Mr. PURDY: Are they all listed in the book?

The CHAIRMAN: No, there are some of them not listed.

Mr. BUTCHER: Quite a number of them are not listed.

The CHAIRMAN: I might also explain that after the last meeting, following the motion that was put through, I interviewed the honourable Ernest Lapointe, and he told me that Mr. Butcher had been instructed to make a study of election methods in various parts of the world, and he was quite agreeable to having Mr. Butcher attend here this year. As the result of the conversation I had with Mr. Lapointe that night, it seemed to be a foregone conclusion from the standpoint of the government, as I gathered it, that they expected Mr. Butcher to be here, and he was invited that day.

Mr. MACNICOL: I suppose it was not a very hard job coaxing Mr. Butcher to consent to come here this year.

The CHAIRMAN: Well, I rather think that any man who has been in parliament for a few years rather enjoys the opportunity of getting back for a few days.

Mr. BUTCHER: I think, Mr. Chairman, that my willingness to come here is strongly indicated by my prompt reply to your telegram.

Mr. HARRY BUTCHER called.

By the Chairman:

Q. Proceed Mr. Butcher with the suggestions.—A. Mr. Chairman, the suggestions that have come before the committee this morning were all made by members of parliament. The first one reads:—

That penalties for personation should be increased.

I do not know whether, in my opinion, those penalties should be increased. I think the penalties are quite heavy now.

Mr. TURGEON: What are the penalties now?

Mr. MACNICOL: They are not enforced, whatever they are.

The WITNESS: I know they are quite heavy whatever they are. Personation is an indictable offence, and the penalty is as follows:

> Any person who is guilty of any indictable offence against this act is liable on indictment or on summary conviction to a fine not exceeding $2,000 and costs of prosecution or to imprisonment for a term not exceeding two years, with or without hard labour . . . . .

The CHAIRMAN: What shall we do with the suggestion?

Mr. TURGEON: In a matter of this kind it might be well to have a memo of the subject we are considering, setting out that the committee thinks the penalty is sufficient.

The CHAIRMAN: I think the situation is that all these suggestions have come from members of parliament, and it is the duty of this committee to deal with each suggestion, and say whether we agree with it. In this case I conclude that the committee considers the penalty severe enough.

Mr. TURGEON: I think the penalty is severe enough.

(Negatived.)

The WITNESS: "That candidates should be permitted to pay travelling expenses of voters; also to pay for the use of cars for that purpose, one car for every one hundred voters."

Mr. TURGEON: That is on election day, is it?

The WITNESS: I have quoted the words of the suggestion; I imagine it is for election day.

Mr. MACNICOL: In the past, Mr. Chairman—I am voicing my remarks as far as Toronto is concerned—so far as I know all cars are free. I speak personally in the case of my riding. We pay for no cars. There are so many cars offering that we get all the cars we require absolutely free.

The CHAIRMAN: If this were put in the act, you would have to pay for the cars.

Mr. MACNICOL: Yes, of course.

Mr. MCCUAIG: Rather than enlarge the act to allow people to pay for cars, I think we should stress the point the other way and prevent people from paying for transportation. If cars are being paid for, I think some higher penalties should be imposed on people who pay for them, because the expense in some ridings is growing to such an extent that a poor man cannot run, and it is getting more that way every year.

Mr. FACTOR: I think there is no penalty provided for cars.

Mr. PURDY: If we were considering compulsory voting, it would put that matter out of the running, would it not?

Mr. MACNICOL: As far as I am concerned, the act is quite satisfactory the way it is.

Mr. FACTOR: It is not illegal to pay for gasoline. I saw a report of that last week.

The WITNESS: Was that in reference to a provincial election, or a federal election? I remember reading that one province has a regulation covering payment for gasoline. I think it is not a federal matter.

Mr. GLEN: Where was that decided?

Mr. FACTOR: In one of the provinces.

Mr. GLEN: I suggest we do not open the door any more on election day. I think we should ignore the request altogether.

The CHAIRMAN: The question has arisen as to whether the penalty should be increased, and we are trying to find out what the penalty is.

Hon. Mr. STEWART: It disqualifies one on an election protest, if proven; but there is a general penalty for election offences.

The CHAIRMAN: That is the one we are trying to get at.

Mr. MCCUAIG: The difficulty is that it is done in an indirect way; the candidate can never pin it down.

The CHAIRMAN: Apparently the only penalty is that of disqualification or the unseating of the candidate.

Mr. FACTOR: It is an election offence.

Mr. MACNICOL: It is strong enough.

Mr. HEAPS: How does the clause read now? What constitutes an offence?

The CHAIRMAN: The act reads:—

> Any person, who is guilty of any non-indictable offence against this Act which is punishable on summary conviction, is liable to a fine not exceeding five hundred dollars and costs of prosecution or to imprisonment for a term not exceeding one year, with or without hard labour or to both such fine and costs and such imprisonment, and if the fine and costs imposed are not paid forthwith, in case only a fine and costs are imposed, or are not paid before the expiration of the term of imprisonment imposed, in case imprisonment as well as fine and costs is imposed, to imprisonment with or without hard labour, for such term, or further term, as such fine and costs or either of them may remain unpaid, not exceeding three months.

I think there is another section referred to:—

> Every person who before, during or after an election, directly or indirectly or by means or device in attempted evasion of the following provisions,
>
> (*a*) pays or promises to pay in whole or in part the travelling or other expenses of any elector who may intend to vote, in going to or returning from the poll or any polling station, or going to or returning from the neighbourhood thereof; or
>
> (*b*) pays or promises to pay or receives or promises to accept payment, in whole or in part by reason of time spent, or for wages or other earnings or possibility thereof lost, by any elector who may intend to vote, in going to, being at or returning from the poll or any polling station, or going to, being at or returning from the neighbourhood thereof;
>
> is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided.

So that they are liable to a fine not exceeding $500 and costs and not exceeding one year imprisonment; and in addition to that, conveyance of electors to a poll constitutes an election offence for which the candidate may be disqualified.

Mr. FACTOR: Not by a volunteer—conveyance for which money is paid, or for hire.

Mr. MCINTOSH: Do the fines and imprisonments run concurrently?

The CHAIRMAN: "...or to imprisonment for a term not exceeding two years, or to both such fine and costs and such imprisonment...

Mr. HEAPS: It is quite obvious that even these strict penalties have no effect upon the people.

Hon. Mr. STEWART: They have some effect.

The CHAIRMAN: Now, instead of a motion to simply table the suggestion, I think we should dispose of it now so that we will print only those matters that have still to be considered.

Mr. FACTOR: As I heard Mr. Butcher read the suggestion, I thought it was to relax rather than to strengthen the point.

The WITNESS: "That candidates should be permitted to pay travelling expenses of voters: also to pay for the use of cars for that purpose, one car for every one hundred voters."

Mr. HEAPS: Whose suggestion is that?

The CHAIRMAN: It comes from a member of parliament.

Mr. HEAPS: It is as well to keep it anonymous.

Mr. TURGEON: I amended my motion to suit your suggestion.

(Negatived.)

The WITNESS: "That there should be conscription of cars for election day."

Mr. MCINTOSH: I have a kind of detestation for conscription in any form.

(Negatived)

The WITNESS: "That polling places should be located primarily for the convenience of electors."

The chief electoral officer tells me that those are the instructions sent.

Mr. HEAPS: There was a discussion here last year in which there was a lot of favourable opinion expressed that as far as possible we should use public buildings as polling places on election days.

The CHAIRMAN: That is one of the questions held over.

Mr. HEAPS: Could this matter be held over until we get a definite expression of opinion?

Mr. CASTONGUAY: My instructions are to locate the polling stations at the most convenient places.

Mr. HEAPS: That is a very wide statement; it may mean anything. I know in one civic election in Winnipeg we used nothing but public buildings—schools or fire stations.

Mr. MCINTOSH: You cannot get schools in every voting area.

Mr. HEAPS: I am not saying that it is always possible, but wherever it is possible, we should use public buildings. I think we have too many polling booths; we have them almost every block. It results in a lot of expense and confusion, because people do not know where the houses are where they are to vote. In spite of the fact that cards are sent there is confusion. I think it adds dignity to the elections; you can take them out of those miserable shacks and put them into decent public buildings. I think that our public authorities,

school boards and city councils everywhere would be glad to co-operate with the election officials on election day in allowing these public buildings to be used wherever it is possible to use them. There is no difficulty about them being used in the case of civic elections; everybody knows where they have to go; and instead of having polling booths every one or two blocks as we have now we will have probably one school with five or six clerks there and different polling booths in the one school. That is better than having them scattered over every block of the city. Ever since I have had anything to do with municipal elections, and I have had quite a bit, I have always been an advocate of doing this. It will do away with a little bit of political patronage which always goes with the present system. The candidate of the party in power has the right in giving the polling booths out to different individuals and, naturally, we know where he selects. That is the cause of a lot of confusion and dissatisfaction as well. I would like the matter to be held over until such time as we discuss the question as to the use of public buildings on election day.

Mr. McLEAN: This was discussed fully last year. My information is that instructions are being carried out in a generally acceptable manner. As far as holding these elections in public buildings is concerned, I think there is much less confusion if they are held in the polling subdivisions rather than bunching them together. I know that in our town it has been the practice to hold several of them in the municipal buildings and even office buildings. There is far more confusion in regard to public buildings than in any other polling subdivision in the town where voting is held. In the residences in the polling subdivisions in the residential sections there appears to be no confusion whatever, and that is the practice they are beginning to follow now, and it is generally satisfactory. If the people vote in the public buildings it causes a lot of congestion and confusion down in the business section. I do not think there is any objection whatever to having the voting done in the residences or some such building in the polling subdivisions. It is not a matter of patronage, because I think everyone knows that there are places in each town that are used every election, irrespective of what party is conducting the election, because they become customary. I think these instructions have been carried out well.

The CHAIRMAN: We decided at the commencement of this meeting to run through the suggestions made. Last year we held over a number of the suggestions for further consideration, and this question in connection with having polls in public buildings was one of the questions held over. Mr. Heaps' motion is that this particular suggestion be deferred to be considered at the time when this particular question is brought up.

Mr. McINTOSH: It is not Mr. Heaps' motion. Would you include the idea of keeping down the number of polls?

The CHAIRMAN: That will all come up in the discussion.

(Stood over.)

The WITNESS: "That candidates should be permitted to employ and pay a limited number of men for canvassing electors."

Mr. MacNICOL: They can do that now, providing they do not vote.

Mr. FACTOR: In my opinion, about the most useless thing in an election, in my experience, is canvassing. I do not think it does any good at all.

(Negatived.)

The WITNESS: "That every elector should be required to sign his name in the poll book when receiving ballot."

Mr. HEAPS: I might say in that particular respect that in Winnipeg we have had this in muincipal elections for a great many years—I think going back almost twenty years—and it has not in any way retarded the polling and has not

kept people back in voting. It has been a check upon corrupt practices. I am not saying one way or the other, but I might say that the reason why it was put into effect in Winnipeg was that twenty years ago some corrupt practices took place and it was found that people's names appeared in the polling book when they never voted at all. The matter was discovered, and precautions were taken to have our charter amended by compelling every person to sign his name as having been present and voted. It is the equivalent of a receipt for his ballot. We have continued to carry out that practice ever since. The only difficulty is in connection with a person who can neither read nor write, and that has the effect, of course, of slowing up proceedings somewhat.

Mr. FACTOR: What does he do when he cannot write?

Mr. HEAPS: He puts his cross.

Mr. MACNICOL: In my opinion it would be one more way to induce people not to vote. Our main trouble to-day is to get people out to vote. The percentage of voters is much less than it should be. If the voter knows when he goes to the poll he has to sign before voting he will say, I am not going to bother to vote. I believe in simplifying elections as much as possible; to encourage more people to vote rather than to increase the difficulty on voting days.

Mr. HEAPS: In reply to Mr. MacNicol I should like to say that since the system was inaugurated in Winnipeg of having electors sign their names when they receive their ballot, our vote has increased to a great extent.

Mr. MACNICOL: There is a very small vote in Winnipeg to-day.

Mr. HEAPS: No; I believe it is higher than Toronto—I am speaking proportionately. The fact that they put it into effect in Winnipeg at the civic elections did not retard anyone from voting. As a matter of fact, it induced a great many people to come out to vote.

Mr. GLEN: Is that not the case in regard to provincial elections as well?

Mr. HEAPS: Yes.

Mr. TURGEON: In British Columbia they have a system which is entirely different from our federal system. When you put your name on the voters list you sign an affidavit; and the returning officer on election day has the affidavits with him. When you come to the poll and take your ballot you sign your name; the returning officer then checks up your signature with the signature on the affidavit. As Mr. Stirling suggests to me, I do not think it causes any harm in British Columbia, the only difficulty is sometimes at country polls half a dozen people arrive at the poll at the last minute, and if there is too much rigmarole inside some of them may lose the opportunity to vote.

Mr. FACTOR: I do not see what is to be gained by this recommendation. If it is to guard against impersonation—I can conceive that is the only objective of the recommendation—I do not approve of it. I do not think it will in any way help to eliminate impersonation. If a person deliberately goes out to impersonate he will sign the name of the party he is impersonating, and there is no way to checking him up.

Mr. TURGEON: In British Columbia they have affidavits.

The CHAIRMAN: What would be the effect in a case like this, where the deputy returning officer made it his business to get a keg of beer in the polling place, and when a democrat load of men and women drove up, the men came in to vote and had a swig of beer. The deputy returning officer then said: "You had better vote for the women; no use bringing them in here." So one fellow voted for the women in the democrat.

Mr. HEAPS: Did you say that was in Swift Current?

The CHAIRMAN: I am not saying where it was, but it occurred in one poll at an election.

(Negatived).

The WITNESS: In connection with the next suggestion I should point out that one of the suggestions that was ordered to stand over at a previous session read as follows: "Advising voters by card as to time and place of polls should be abandoned." That suggestion was left to stand. The one I have to-day reads as follows: "That it should be an offence for any elector to be in possession of any postcard notice of polling place other than a card addressed to him personally."

Mr. HEAPS: This is my suggestion, Mr. Chairman, I do not want to be anonymous in this suggestion. My reason for the suggestion is this: I found in my own constituency that the holding of cards was responsible for a good deal of impersonation. There was a systematic effort made by one of the candidates—I shall not mention which one—to go around and collect these postcards. It has been going on for some time. When a person has in his possession a postcard sent to him by the returning officer it is almost prima facie evidence of the right to vote. These postcards are presented to the returning officer, and I know of one person who was found voting with a postcard that did not belong to him. That man was arrested and convicted, and spent fifteen or twenty days in jail for the offence. I do not think any person has the right to be in possession of a postcard that does not belong to him.

Mr. MACNICOL: I would not be opposed to the suggestion that where a voter presents a card to the returning officer with some other voter's name thereon with the intention of voting—

Mr. HEAPS: The offence is committed when he is found with the card on him. I have known people go around from house to house collecting these postcards. I know of cases where they actually paid fifty cents to one dollar apiece to get these cards.

Mr. FACTOR: Winnipeg is a bad place.

Mr. HEAPS: That is the reason I am suggesting it should be an offence to commit an act of that kind. We do not know how far things of that nature may develop.

Mr. GLEN: If they do not use postcards then what?

Mr. HEAPS: They are in possession of something that they should not be in possession of.

The CHAIRMAN: I think we should put that suggestion along with the others that were held over last year. We are trying to get through this morning so we can print all the suggestions for the convenience of the members of the committee.

(Stood over).

The WITNESS: "Personal canvassing and soliciting of votes should be prohibited."

Mr. MACNICOL: I spent the whole of the last election day canvassing myself.

(Negatived).

The WITNESS: "Only one political meeting should be permitted in each poll during a campaign, and at that meeting all candidates should be given equal time to speak."

(Negatived.)

The WITNESS: "That deputy returning officers should not be called upon to initial ballots, the use of an embossed stamp would be preferable."

The CHAIRMAN: Is there any reason given for that?

The WITNESS: No.

Mr. GLEN: Mr. Chairman, I know in the old country the practice is to use embossed stamps. I have acted many times as returning officer, and I believe it would be a whole lot better than initialling. For instance, they have an

embossed stamp in which letters are put like C.O.D. or something like that; and the deputy returning officer takes the ballot and stamps it with the embossed stamp, and when the ballot is given back to him he can see the letters right through the paper. So far as expedition is concerned it is infinitely superior to initialling by the returning officer.

Mr. HEAPS: Could not that stamp be used by someone else?

Mr. GLEN: No; they are always in charge of the officials.

Mr. FACTOR: What about the expense?

Mr. GLEN: There would be the initial expense, but that expense would be over a long period of years.

Mr. MACNICOL: The method we have been using has proved very satisfactory up to this time.

The WITNESS: "That in rural electoral districts the land upon which the elector resides should be stated in the list."

Mr. TURGEON: The land upon which the elector resides?

The WITNESS: Yes.

Mr. FACTOR: The concession?

The WITNESS: Yes, the township, range and so forth.

Mr. FACTOR: What is it now?

The WITNESS: Post office address only.

Mr. MACNICOL: There has been an agitation for that. I am not familiar with what the objectives are. It seems to me out in the townships the elector's name is not on the list as John Jones, Lot 16, Concession 6, but John Jones of Aurora Post Office.

The WITNESS: Yes; that is the way it is now.

Mr. MACNICOL: There is something in its favour.

Mr. TURGEON: You are only going to open up the way to put the voters' lists in dispute.

Mr. MCLEAN: I think this is one thing that ought to stand over. There is a good deal to be said on both sides. In the last dominion election the system was changed. The lot number used to be put on the voters' list; now the post office is put on. The result is that the voters' list is an excellent mailing list. You have the correct post office address of everyone in your riding. That is a very valuable thing to have at an election time. Personally I like the post office address. You have John Jones, Lot so-and-so. With the townships it is very confusing.

Mr. TURGEON: The suggestion is we change that, is it not?

Hon. Mr. STEWART: Yes, and add something else.

Mr. TURGEON: Personally I am in favour of leaving it as it is.

Mr. MCLEAN: The suggestion is that we add the lot number, etc. I do not think that ought to be done without discussion.

(Stood over.)

The WITNESS: "That in rural electoral districts it should be possible to phone applications for removal of names of transients from the list."

(Negatived.)

The WITNESS: "That official agents should be permitted to advance money to candidates for travelling and other necessary expenses." I do not think there is anything illegal in that now.

The CHAIRMAN: Read that again.

The WITNESS: "That official agents should be permitted to advance money to candidates for travelling and other necessary expenses."

Mr. FACTOR: It is in the act now.

Mr. HEAPS: Where does the agent get the money from, Mr. Chairman?

Hon. Mr. STEWART: From the candidate.

Mr. FACTOR: The act now provides that a candidate may spend up to one thousand dollars for personal expenses.

Mr. TURGEON: I am not asking for any change, but there are certain ridings over which a candidate cannot travel for one thousand dollars. I cannot travel over my riding and be limited to one thousand dollars. If I travel from the southern part of my riding to the Peace River block I have to go north a thousand miles through the province of Alberta and I cannot get there and back again, if I am going to use the ordinary methods of travel, for that amount. If I use a plane, if one were available, it would cost nearly one thousand dollars to make that trip twice. I am not asking that it be increased, but I should like this committee to keep that in mind.

Mr. MCINTOSH: I think that applies to all northern ridings, especially in western Canada—I do not know about the east but in my riding a large mining area is being brought into production, and at the next election there will be a considerable vote there. For me to contact these voters would cost more money. I do not know whether we need more than a thousand dollars or not.

(Negatived.)

The WITNESS: "That candidates should be permitted to provide meals for deputy returning officers, poll clerks and scrutineers on polling day."

Mr. MACNICOL: Why should a candidate supply meals to a deputy returning officer?

The CHAIRMAN: I think scrutineers are covered in the act now.

Mr. TURGEON: I would suggest leaving it as it is.

(Negatived.)

The WITNESS: "That newspapers should not be permitted to charge double rates for political advertising during election campaign."

Mr. HEAPS: That is against all liberal doctrine. I know the liberal party are against the fixing of prices of anything. They are against price fixing, marketing or anything like that. I do not see why when it works against them they should try to get out from under. I do not see what control you have over the newspapers in saying they cannot charge more than the usual rate. You do not have to use newspapers.

Mr. MACNICOL: You are a statesman, you know.

Mr. MCINTOSH: Double rates for what?

The WITNESS: "That newspapers should not be permitted to charge double rates for political advertising during election campaign."

Mr. MCINTOSH: I should like to speak on that, Mr. Chairman. In the first place newspapers are not doing that.

Mr. HEAPS: Yes, they are.

Mr. GLEN: You may not do it.

Mr. MCINTOSH: Any particular case does not prove the rule. If it is being done in some places the reason is that political accounts are not worth that (snapping fingers). The newspapers do not want them; they would rather do without them. If you give them twice the rate they may take them; but any newspaper man in Canada will tell you there is no money in electoral advertising. He can take his books and show you over a period of ten years where it has been a complete loss. These are the facts.

Mr. HEAPS: No they are not, for the simple reason that the Winnipeg papers have insisted upon political advertising being pre-paid.

Mr. MCINTOSH: That bears out my argument.

Mr. HEAPS: Then they charge double rates, so how can they have such a loss.

Mr. MCINTOSH: What proof have you they are charging double rates.

Mr. FACTOR: They charge 30 cents an agate line instead of 15 cents which is the commercial rate.

Mr. MCINTOSH: If it is not pre-paid it is worthless.

Mr. FACTOR: We can have no control, Mr. Chairman, over the newspapers.

(Negatived.)

Mr. HEAPS: Would you permit the newspapers to charge double rates?

The CHAIRMAN: They can charge anything they like.

The WITNESS: "That owners of halls should not be permitted to charge double rates when such halls are used for political meetings."

Mr. MACNICOL: I did not know they did.

Mr. TURGEON: Would you read that again, Mr. Butcher?

Mr. MACNICOL: I know the halls in my portion of the city charge the same rates at all times.

(Negatived.)

The WITNESS: "That provision should be made at the public expense for a scrutineer for each candidate at each poll."

Mr. HEAPS: Negatived.

Mr. MACNICOL: The increased cost in the election would be tremendous. In the last election, until the last few hours, I did not have a scrutineer in the 183 polls in my riding. My friends kept telephoning me, as they came to vote, that my opponents had numerous scrutineers—

Mr. FACTOR: Then you got some.

Mr. MACNICOL: As Mr. Factor says, I became alarmed and got a few out. If the government paid for scrutineers it would cost a lot of money.

Mr. HEAPS: I wonder if we have given serious consideration to doing without scrutineers at these polls. Some people might object. I know what it is to go through an election without having scrutineers, and it does not make any difference at all. Personally I want to have full confidence in the deputy returning officer and his clerk.

Mr. TURGEON: You do not want to make it an offence to have scrutineers?

Mr. HEAPS: No; I would perhaps prohibit them entirely from the polls. I do not see what real service they perform at a poll.

Mr. GLEN: Oh! oh!

Mr. HEAPS: I say that advisedly and I have been through twelve elections, and I have had some other experience of elections as well. Personally I would be quite content to cut all the scrutineers out of the polling station. I believe the poll would be conducted more efficiently and with less trouble than we have now in many polls in these circumstances. We have three, four or five candidates running in a constituency and we have in some cases a scrutineer for each candidate; which means you have the deputy, the clerk and three or four scrutineers in a little room—

Mr. MCINTOSH: It is all right, if the D.R.O. is a good man.

Mr. HEAPS: You have all these men sitting around a table and when a man comes in to vote he wonders why there is such a crowd there for the sake of seeing him vote. I know they have caused more trouble than they are

actually worth for the proper conduct of a poll. I have never yet seen any good reason why a scrutineer should be present. He does not protect the candidate. The candidate's protection chiefly lies in the honesty of the clerk and the deputy returning officer. Personally I would almost take a chance of leaving the whole election in the hands of a D.R.O. and his clerk. I think we would get far more satisfaction.

Mr. TURGEON: First of all there is a principle involved there. It gets down to absolute secrecy in elections, where there is nobody present or permitted to be present except officials of the government and the individual who comes in to vote. I do not intend to go any farther, but I do hope the committee will not adopt it. I remember one poll where I happened to be in the last election where it looked for a while as if we were not going to be able to count the ballots because a certain number of persons must be present before the returning officer can open the ballot boxes and count them. In the case to which I refer the required number of persons were not present. In all my experience I ran across only one case where it looked as though it would be difficult to have a sufficient number of electors present to open the ballot box.

Mr. FACTOR: They do not have to be present.

Mr. TURGEON: I think they have to be; I may be wrong.

The WITNESS: It is not very clear.

(Negatived.)

The WITNESS: I am combining the next two suggestions. "That all deputy returning officers, poll clerks and constables should be under the control of the returning officer; that the returning officer alone should appoint these officers."

Mr. MACNICOL: He does appoint the deputy now.

Mr. FACTOR: Who appoints the constables?

The WITNESS: The deputy.

Mr. FACTOR: That is not the way it was worked in the last election. In Toronto the returning officer in the constituency appointed the D.R.O's, the constables and the clerks.

The WITNESS: That is not according to the act.

Mr. TURGEON: The deputy returning officer makes the appointment of constables.

The WITNESS: Under the act he does.

Mr. FACTOR: The returning officer appoints the D.R.O. and the D.R.O. appoints the others; is that what you say?

Mr. CASTONGUAY: The D.R.O. appoints the poll clerk and constables whenever it is deemed necessary.

The CHAIRMAN: This is the situation in some cases; in some of these rural polls there is never a constable appointed. As a matter of fact in the four or five elections that I ran I believe there were only three constables appointed in the whole constituency.

Mr. MCCUAIG: I had some difficulty last year. After I came down here there were numerous people in the riding who wrote me saying they were appointed as constables and were not paid. I went to the office and found out there was no authorization; they had been asked to attend by the party or someone on behalf of the candidate, and they insisted that they should be paid. Of course, I reported to them that the law said they could not be paid unless they were appointed by the officer in charge.

Mr. MCLEAN: I believe it would not be practicable to have all clerks appointed by the D.R.O. In connection with the constables I think something ought to be done. The act now permits the deputy to appoint constables if he

thinks, in the circumstances, they are necessary. What has happened in the last two elections, in many ridings at least, is that constables have been appointed here and there all over the riding,—I do not know on what basis they are paid—and the department has picked out one or two here and there and paid them. The others have not been paid, and that has caused a tremendous amount of bad feeling in various ridings. I think that the instructions to the deputy that constables are not to be appointed unless necessary ought to be made more emphatic. In that way the deputy would be prevented from asking these constables to act and then hound the officials for a year or two until they are paid. I do not think it would be practicable to have the deputy appoint these officials.

The CHAIRMAN: You mean the returning officer?

Mr. WERMENLINGER: I had the same experience last year when I experienced a lot of difficulty with the Auditor General's department to have some of these constables paid, and the information I received almost every time was that the D.R.O. forgot to have the employment sheet signed by the so-called constable.

Mr. MCINTOSH: Why should one constable be paid and not all?

Mr. WERMENLINGER: Some of them are paid anyway—most of them.

Mr. MACNICOL: As far as I remember in connection with Toronto, wherever there was a double poll the constable was appointed.

The CHAIRMAN: The act reads as follows (section 48):—

"(1) Every returning officer, and every deputy returning officer, from the time he takes his oath of office until completion of the performance of his duties as such officer, shall be a conservator of the peace invested with all the powers appertaining to a justice of the peace, and he may

(*a*) require the assistance of justices of the peace, constables or other persons present, to aid him in maintaining peace and good order at the election; and

(*b*) on a requisition made in writing by any candidate, or by his agent, or by any two electors, swear in such special constables as he deems necessary; and

(*c*) arrest or cause by verbal order to be arrested, and place or cause to be placed in the custody of any constables or other persons, any person disturbing the peace and good order at the election; and

(*d*) cause such arrested person to be imprisoned under an order signed by him until an hour not later than the close of the poll."

Mr. MCLEAN: The election instructions to the deputies in connection with the appointment of constables—

The CHAIRMAN: —should be clarified and made more definite.

Mr. MCLEAN: Yes.

Hon. Mr. STIRLING: That does not touch the appointment of a clerk.

Mr. CASTONGUAY: In 1929 a special committee set up to consider amendments to the Dominion Elections Act resolved that the appointment of a constable for each polling station should be made as necessary as the appointment of a poll clerk or deputy returning officer. For some reason or other the attitude taken by the committee was not incorporated in the act.

Mr. FACTOR: It certainly should be clarified. Either it should be compulsory to appoint a constable as Mr. Castonguay suggests for every polling division, or do away with them, letting the D.R.O. decide. I think the matter has some merit and should receive more consideration. I know that in my riding in some polls the D.R.O. appointed constables and in others he did not. I did not bother putting in any recommendations, because I am of the opinion that

there is no necessity for constables; that some of the constables appointed could not arrest a child, let alone an offender under the act. It is a matter of giving a few dollars to a man who is out of work. Now, that angle of it, perhaps, ought to be considered; and I know that many returned men were appointed to act as constables in my riding. However, the section should be made clear to this effect: either we should appoint constables or we should not appoint them.

Mr. FACTOR: Mr. Butcher should draft an amendment along these lines and let us make the matter uniform throughout the polls.

Mr. MCCUAIG: Could we ascertain before the next meeting the number of constables appointed in Canada, and the cost to the dominion?

Mr. CASTONGUAY: Yes.

Mr. MCCUAIG: I am thinking of the advanced polls. I am doubtful whether during the three days when the advanced poll was held more than one hundred voted, and still there was a constable appointed. There was no occasion for it. Perhaps there was no time when there was more than one or two people at that division. I am speaking now of the town of Barrie. But a returned soldier sat there for three days, and it was rather humiliating for me to write back and say that he could not be paid when he attended in good faith.

(Stood over).

The WITNESS: "That every elector should be supplied with an identification card and should not be permitted to vote unless he produces that card at the poll and satisfies the election officials that he is the person referred to in that card."

Mr. MCINTOSH: If he lost his card what would he do about it?

Hon. Mr. STEWART: Just a moment. Mr. Chairman, does this mean that every elector all over Canada who goes out to vote must produce—

The CHAIRMAN: No. They just voted that down.

(Negatived).

The WITNESS: "That no candidate's agent should be allowed to vote on a transfer certificate until after the agent has subscribed the oath in form 17 and that the transfer certificate's oath form 22 should be so worded as to state that this has been done and that the deponent is in fact, or has been acting as an agent for one of the candidates."

Form 17 is found at page 164 and reads as follows:—

> I, the undersigned, P.Q. agent for (or elector representing) J.K., one of the candidates at the election now pending for the electoral district of do swear (or solemnly affirm) that I will keep secret the names of the candidates for whom any of the voters at the polling station in the polling division No. marks his ballot paper in my presence at this election. So help me God.

That is the oath that the agent has to take. Now, this suggestion is that to Form 22 which reads as follows—

> I, the undersigned, make oath and say (or affirm) that: I am the person described in the above transfer certificate, so help me God.

There should be added, "I have taken the oath prescribed in Form 17"—that is the oath of secrecy. Therefore, he must not only take the oath of secrecy, but when he takes the oath that he is the person prescribed in the transfer certificate, in the same oath he shall say that he has taken that oath of secrecy.

Mr. HEAPS: Is that the agent of the candidate?

The WITNESS: Yes.

Mr. HEAPS: We will have some doubt in our minds as to how he is going to vote.

By Mr. Glen:

Q. The agent there is really the scrutineer?—A. Yes, that is the point.

Q. He has got to take the oath of secrecy?—A. Yes, and he has not only to take the oath of secrecy but he must take an oath that he has taken the oath of secrecy in presenting his transfer certificate to the deputy returning officer before he votes.

Mr. TURGEON: If this change were made he would also be swearing that he has already taken the oath?

The WITNESS: That is the point.

Mr. TURGEON: He is not allowed in the polling booth until he has taken that oath. He could not vote if he is not allowed in the polling booth until he takes it.

Mr. GLEN: I notice the word "transfer." Is not that where an agent is voting in a poll other than that in which he resides?

The WITNESS: Yes, other than that in which he resides.

Mr. FACTOR: A scrutineer is entitled to a transfer certificate permitting him to vote at that poll instead of the poll at which he resides; he produces the transfer certificate and votes in that particular poll. Now, the object of this amendment is to include an additional clause to the effect that he has taken the oath of secrecy when he appears as agent for the candidate.

The WITNESS: It amounts to practically nothing. In presenting his transfer certificate, the representative of the candidate will take the following oath: "I, the undersigned, make oath and say that I am the person described in the above transfer certificate and that I have taken the oath of secrecy provided for in form 17.

By Mr. Turgeon:

Q. In your opinion is there an advantage?—A. I think so. The chief electoral officer agreed with me that there is a slight advantage.

Hon. Mr. STIRLING: Where is the advantage?

The WITNESS: Well, before he gets the transfer certificate—it does not necessarily mean, of course, in the polling booth—he gets that from the returning officer, he has, of course, to take an oath. It is prima facie evidence that he has taken the oath of secrecy if he gets a transfer certificate, but he makes doubly sure that he has taken the oath of secrecy by completing form 22.

By Mr. Turgeon:

Q. From whom does he get the transfer certificate?—A. From the returning officer.

Q. He cannot take that oath until he appears at the poll where he is going to work?—A. No. He takes that before the deputy returning officer before he can vote. It is only making assurance doubly sure.

Mr. CASTONGUAY: In the old days these certificates were used as an accommodation for certain electors who happened to be away from their poll, and in cases where it was more convenient for them to vote at a different poll. Then, others were acting as agent of the candidate, and the object of this is to prevent this accommodation being resorted to in the case of persons who are not bona fide agents but who are just trying to accommodate themselves to another polling station where they have no right to vote.

Mr. FACTOR: He has to take oath now that he is agent of the candidate before he gets a transfer certificate.

Mr. CASTONGUAY: No. There is no oath to be taken. To get a transfer certificate all the agent requires is the authorization from the candidate. The candidate appoints a person as agent, and with that appointment he goes to the returning officer and gets the transfer certificate; he satisfies the returning officer that he is an agent.

Mr. GLEN: Then he takes a declaration of secrecy before that deputy returning officer, does he?

Mr. CASTONGUAY: Yes.

Mr. TURGEON: Mr. Castonguay, I take it that what you are trying to do is to curtail the activities of the candidate by imposing something upon the person who becomes the candidate's agent by reason of the action of the candidate. If I understand you correctly, if the candidate wants to appoint a man who is on the voter's list in polling division No. 1 but who is resident in No. 2, must the man who is to be the agent in No. 2 go himself to the returning officer and get that certificate, or does the candidate, through his organization, get that certificate for him and send it to him?

Mr. CASTONGUAY: I think the returning officer acts on request from the candidate's organization in some cases.

Mr. TURGEON: Will this cause the agent to journey to the returning officer in order to take this oath to get the transfer of certificate?

Mr. CASTONGUAY: There is no oath to be taken when he gets the transfer certificate. He takes his oath at the poll. The idea of this thing is to limit the right of voting by transfer certificate to the persons who are bona fide agents of candidates or bona fide poll clerks. The act says that the right is limited to those classes of people, and the suggestion, I understand, is that that is what Mr. Butcher wants to insure.

Mr. TURGEON: I do not think that this proposed change gives that assurance at all.

Mr. CASTONGUAY: It gives some protection, but it could be worded differently.

Mr. GLEN: An organization appoints an agent, and he goes to the returning officer and he gets his transfer certificate so that he may vote in that poll in which he is acting as agent, and when he goes to the deputy returning officer he takes his declaration of secrecy. This amendment as proposed means that he is identifying himself with the person who got the transfer certificate and is, therefore, in a position to take a declaration of secrecy. There are only two agents allowed to a poll, but if it does happen that some person who is not a bona fide agent, but is simply a voter who lives in a particular poll and whose qualifications are in another poll, and who does not act as an agent at all, but is only there for the reason of getting a poll, he is put out of court.

The CHAIRMAN: The fact of the matter, the way the act stands right now is that these fellows, pseudo agents, vote at a poll without ever seeing a returning officer at all. They go in and present the candidate's certificate and are given ballots by the deputy returning officers upon taking the oath in their hearing.

Mr. MCLEAN: They would have to have a transfer signed by the returning officer.

Mr. FACTOR: But surely a candidate would not create pseudo agents. There is no advantage to the candidate to do that indiscriminately.

Mr. GLEN: He can have only one vote. There are only two agents allowed in the poll, and if he is a bona fide agent all right, but the second person is not bona fide; he is simply there for the purpose of getting a vote, and he can record his vote and leave the polling station. It is often done, and done in every poll, I would say, throughout the whole of the Dominion.

The WITNESS: May I refer to the sections referring to this matter. Section 43 of the act reads:—

> Upon the production to the returning officer at any time after the close of nominations of a writing, signed by any candidate who has been duly nominated, whereby such candidate appoints a person whose name appears upon the list of voters for any polling division in the electoral district to act as his agent at a polling station established for some other polling division, the returning officer shall issue to such agent a transfer certificate in Form No. 21 to this Act.
>
> Any candidate whose name appears upon the list of voters for any polling division shall be entitled at his request to receive a like transfer certificate entitling him to vote in any specified polling division instead of that upon the list for which his name appears.
>
> The returning officer may also issue a like transfer certificate to any person whose name appears on the list of voters for any polling division and who has been appointed to act as deputy returning officer or poll clerk at any other polling station in the electoral district than that at which such person is entitled to vote.

Before he gives his transfer certificate to the deputy returning officer the person applying has to complete that oath of secrecy, and it is now suggested that when he presents the transfer certificate to the deputy returning officer of the poll in which he wishes to vote he shall swear that he has sworn the oath of secrecy.

Mr. TURGEON: Before whom could he take that oath of secrecy?

The CHAIRMAN: It is taken before the returning officer when he gets the transfer certificate.

Mr. TURGEON: As I understand it, the agent never appears before the returning officer.

Mr. HEAPS: How does he come into possession of a certificate in any other poll when he is not at the poll to vote there. If he is entitled to vote he will vote at the poll where he is an agent.

The WITNESS: I will read a few words again: "Upon the production to the returning officer at any time after the close of nominations of a writing, signed by any candidate who has been duly nominated, whereby such candidate appoints a person whose name appears upon the list of voters for any polling division in the electoral district to act as his agent at a polling station established for some other polling division, the returning officer shall issue to such agent a transfer certificate in Form No. 21 to this Act."

The CHAIRMAN: When does he take this oath in Form 17?

The WITNESS: Before he gets the transfer.

Mr. GLEN: No, no.

The WITNESS: Before he votes.

Mr. GLEN: I have had a lot of these things. When I appoint an agent for a particular polling station and he does not reside in that particular polling station and he goes to the returning officer with my nomination of him he then gets a transfer certificate from the returning officer to vote in a poll other than that in which he resides. Then when he gets to the poll at which he is appointed agent he takes the declaration of secrecy before the deputy returning officer thus identifying himself as the person who got the transfer certificate from the returning officer, and he then takes the declaration of secrecy provided.

Mr. CASTONGUAY: Yes.

Mr. HEAPS: Suppose a scrutineer in the district wants to vote—he does not vote in a particular polling booth in which he happens to be a scrutineer—his name is not on the list; is not that scrutineer who has the certificate to vote

entitled to vote in that polling booth in which he is acting as scrutineer? Why does he have to go away to some place else? The transfer certificate is given to him before he gets there.

Mr. FACTOR: May I clarify Mr. Heaps' position. Suppose a man goes to the candidate and says, "Oblige me, I want to vote in another subdivision, appoint me an agent." Now, suppose I appoint him an agent and he goes to the returning officer and gets a transfer certificate, although he is not actually a scrutineer or agent, and he utilizes this subterfuge to vote in another place?

Mr. GLEN: I have had many instances of a man who is on the list for a particular polling station but between the time the list is made up and voting he has removed his residence to another polling division, say, twenty or thirty or forty miles away. He is an active worker in the organization and I want to appoint him as an agent. He is the man to whom I give the certificate and who then votes in that particular subdivision in which he is not resident and gets his vote after taking a declaration of secrecy. It is entirely a proper thing to do.

Mr. FACTOR: If he is not an agent?

Mr. GLEN: He is an agent—the man I am sending. Suppose he is in poll No. 1; that is where he votes; but suppose that between the time when the list is made up and the date of polling he has removed to another poll and lives thirty or forty miles away; I want to use his services as an agent and he wants to vote. I get an agent's certificate which allows him to vote in poll No. 2 and he acts as my agent in that poll and he identifies himself as the person who should be entitled to vote. Now, that has happened in many cases—twenty or thirty in an election.

The CHAIRMAN: The question I would like to ask is this: when and before whom are these oaths 17 and 22 taken?

The WITNESS: "Every person so appointed deputy returning officer, poll clerk or agent, and claiming to vote by virtue of such certificate, shall, if required, before voting, take the oath in form 22. . . ."

Note those words. "If required." It is not compulsory that he should be sworn; he is not compelled to take an oath unless required to do so. It is only if the deputy returning officer demands it.

The CHAIRMAN: Apparently, in form 17 he takes the oath at the opening of the poll. I would like to hear that explained.

The WITNESS: He is not necessarily called upon to take it.

Mr. TURGEON: He takes it before the deputy returning officer.

Mr. ROBICHAUD: How can he swear, before he gets his transfer, that he has already taken the oath of secrecy, when he has got to get the transfer to go to the poll to take that oath of secrecy?

The CHAIRMAN: Apparently, both of these oaths, as I understand it, are taken before the deputy returning officer.

Mr. FACTOR: Are there not two oaths? There is the oath in form 17 which is the oath of secrecy in possession of a transfer certificate, and there is another oath, 22, which is optional; that is, if the D.R.O. administers that oath, and usually he does not.

The WITNESS: Two oaths.

Mr. FACTOR: One is utilized merely by an agent who swears under the secrecy oath as an agent; there is another oath that he uses under the transfer certificate.

The WITNESS: In which he swears that he is the person referred to in the transfer certificate.

Mr. FACTOR: Yes. And the section reads "if required," and the contention is that that should be compulsory upon the D.R.O. to administer oath 22 to a man holding a transfer certificate.

The WITNESS: And that he is the person. Maybe I ought to enlarge on that. This is section 34, subsection 2:

> Each of the agents of such candidate, and, in the absence of agents, each of the electors representing each candidate, on being admitted to the polling station, shall take an oath in form 17 to keep secret the name of the candidate for whom any of the voters has marked his ballot paper in his presence.

Mr. TURGEON: It is arbitrary now.

The WITNESS: He has already taken the oath, and he is asked to swear that he has taken the oath.

Mr. ROBICHAUD: That is my point. The man was transferred from number one where he is registered to number two where he is not registered. He goes to the returning officer, according to the suggestion, and he has to make oath that he has already taken the oath of secrecy.

The CHAIRMAN: No; not before the returning officer.

Mr. ROBICHAUD: That is so according to the suggestion we now have before us.

The CHAIRMAN: No. The suggestion is that before the deputy returning officer he takes the oath identifying himself, and in each oath he says that he has already taken the oath of secrecy. When he goes into the poll—we will assume that he is going on a transfer certificate—he lives in poll No. 1 and he is going to poll No. 2 to represent the candidate. In the morning he presents his transfer certificate to the deputy returning officer; he goes there with the candidate's certificate appointing him as his agent; he takes the oath then as agent—the oath of secrecy. Then if he has a transfer certificate he has to take another oath identifying himself with that transfer certificate. That is the way it is now.

Hon. Mr. STEWART: The only point is whether there ought to be added to that as an additional protection that he takes the oath of qualification.

Mr. GLEN: That would be assumed when he got the transfer certificate.

Hon. Mr. STEWART: No. Under the last act when a man's name was on the list that settled his qualification. He might be asked to take the oath of qualification.

Mr. MCLEAN: It seems to me that the act at present takes adequate care of everything except to prevent electors from voting in a subdivision other than that in which they are on the list on the pretext that they are agents. Now, it seems to me that this suggestion does not accomplish that at all.

Mr. MACNICOL: And how would you accomplish what you have in mind?

Mr. MCLEAN: I do not see how you can accomplish that without preventing candidates from having agents with ordinary facility where they need them. I do not see that this suggestion accomplishes what is in view.

Hon. Mr. STEWART: Is there not a limit on the number of agents?

Mr. MCLEAN: A man is entitled to two agents in certain polling subdivisions. He may only need one. That one man is a man who is not going to be an agent at all. I do not think there is anything serious in the matter.

Mr. TURGEON: I think the act is all right. As I see your point, the only question you would solve is this, that if the agent who votes under a transfer certificate came into the poll, say, at 3 o'clock in the afternoon instead of in the morning when the agents were being sworn to secrecy, there might be a question. That is what I think you are trying to impart: that the man instead of coming in at the opening of the poll comes in in the afternoon. Now, you have only two agents in each poll. One of them is going to be there in the morning, probably all day. If you pass this the way it is, then you are stopping an agent

from withdrawing from the poll and being replaced by another one—if you follow out the intention. I do not think the expression will do it. If the intention is to stop a man from qualifying under the act to secure a certificate of transfer, unless he comes with the clerk or the scrutineers at the opeinng of the poll and then en bloc is one of those who takes the oath of secrecy, then you would stop him from voting because he had come in one, two, three or four hours after the poll was opened and said, "I am an agent for Mr. Glen and here is my certificate of transfer and I wish to vote." He would not then be able to take the oath of secrecy because he would have to swear that he had already taken the oath of secrecy, and you would stop a division of working hours between one of the two agents and another.

The CHAIRMAN: Why could the deputy returning officer not give him that oath of secrecy, No. 17, right then, supposing it was 3 o'clock in the afternoon?

Mr. TURGEON: I am inclined to think he still could do it after this, if there is any virtue in this at all. If it creates any impediment in the way of either appointing or having agents who act for a candidate, the only impediment would be the one I have described. I do not think it could do it. It could not create any other impediment except that one.

Mr. MACNICOL: I do not see why.

Mr. TURGEON: I think that is a point they have tried to cover.

Mr. MACNICOL: I should like a little explanation of the act with reference to what Mr. Glen said a while ago. Mr. Glen intimated the voter whose name is on polling list number one and who moves to poll number forty, maybe twenty miles away, should be made an agent in order to permit him to vote at that poll. What strikes me is that there might be ten men who lived in number one poll and had moved to number forty—

The CHAIRMAN: The other nine would have to go back.

Mr. MCLEAN: And vote at number one.

(Stand over.)

The WITNESS: "That no information as to the names and numbers of the electors who have voted should come out of the polling station during polling day. That any candidate's agent who leaves the polling station must not be allowed to return. That only the candidate or the official agent be allowed to visit the polling stations on polling day."

Mr. HEAPS: How do you define "official agent"?

The WITNESS: It is defined in the act.

Mr. TURGEON: You cannot stop a man from leaving the polling station.

Mr. GLEN: That touches a very deep principle in connection with voting. In Manitoba an agent is appointed as a scrutineer and during the day information is sent out that number so-and-so on the list has voted. That information is taken to the central committee and there they check off and see who has voted. It is wrong to do that, because the agent who gives out this information has already taken a declaration of secrecy that he will not give out any information with regard to what has happened in the polling station. He gives out numbers and from that information we learn how many have voted.

Hon. Mr. STEWART: The secrecy is only as to how people are voting.

Mr. GLEN: You are getting near the border line of giving information in regard to the polling situation that should be obtained outside.

Hon. Mr. STEWART: I think it is in the interest of the people who vote. There should be some communication.

Mr. GLEN: I used to handle elections in Scotland. A scrutineer and agent were allowed to give no information outside. What we did was this: you had your scrutineer inside and you had one at the door. He would take notes and

they would be taken to the central committee. The amendment that is now before the committee suggests that no information of the kind that is now given out shall come from the polling station to the outside agents.

Hon. Mr. STEWART: If for some reason or other your scrutineer does not turn up, what harm is there in you knowing whether John Brown or Henry Jones has voted?

Mr. GLEN: If you want the polling situation—which is the intention of the act—to be entirely secret, my contention is nothing should come out of that polling station during those hours.

The CHAIRMAN: Well, I might explain that the secrecy is confined to the manner in which the man marks his ballot.

Hon. Mr. STEWART: Exactly.

Mr. GLEN: That is perfectly true.

The CHAIRMAN: It seems to me from the standpoint of the workers and the candidates that it is in their own interest to know how many people have voted.

Mr. McINTOSH: It will help to increase the vote.

Hon. Mr. STEWART: I cannot see any harm in an individual checking off the names of those who have voted and giving information as to the number and names of those who have voted.

Mr. HEAPS: I should like to suggest that many of the questions that we have discussed this morning have a definite bearing on the question of compulsory voting. I was wondering if it would not be well for us to discuss the question of compulsory voting and arrive at some decision.

The CHAIRMAN: Mr. Heaps, I believe the most expeditious way that we can handle this is to dispose of as many of these suggestions as possible and have the remaining ones that are held over typed and distributed to the members of the committee so that we should have them before us and be in a position to discuss them.

Mr. HEAPS: If we decide in favour of compulsory voting it seems to me almost useless to discuss them.

The CHAIRMAN: We can refer them for further consideration.

Mr. HEAPS: I was going to suggest that if we decide against compulsory voting all these matters will have to be discussed at length.

Hon. Mr. STEWART: They would still remain.

(Stood over.)

The WITNESS: "That the number of voters who may enter the room where the poll is held at any one time for the purpose of voting shall be left at the discretion of the deputy returning officer in charge. Sec. 36 (4)."

Mr. MacNICOL: What is the act now?

The WITNESS: Only the people who are about to vote are allowed in; one elector for each compartment.

Mr. TURGEON: What about the people who may or may not be in the polling booth. How many must be present?

The WITNESS: We have a question relating to that later.

Mr. TURGEON: I thought perhaps this was the one.

The CHAIRMAN: What does the committee think of the suggestion?

Mr. McLEAN: I think it would facilitate voting. Sometimes at the hour of closing there is a crowd waiting, and they are not going to be able to vote if only one at a time is allowed in. If the deputy returning officer has not some discretion some of these people are not going to be allowed to vote.

Mr. HEAPS: May I ask if it is not a fact that in federal elections all persons that are there at the time of closing of the booth are entitled to vote?

Mr. TURGEON: What do you mean?

Mr. HEAPS: Supposing a man arrives at the booth at ten minutes to six and finds maybe twenty in line. If we pass that particular suggestion that is placed before us, permitting only one person in the room, when 6 o'clock arrives the D.R.O. will close the door and everyone outside, who might be waiting for half an hour to get in, will be debarred from voting. Personally I think every voter who presents himself before 6 o'clock should be entitled to vote. In the past I think the practice has been for the D.R.O. to accept all persons who have been at the booth before 6 o'clock. I do not know whether he takes them in the room and closes the door at 6 o'clock or not. If you pass that particular suggestion you will bar the people from voting who heretofore have had the opportunity to vote.

The WITNESS: I shall read the suggestion again. "That the number of voters who may enter the room where the poll is held at any one time for the purpose of voting shall be left at the discretion of the deputy returning officer in charge."

Mr. HEAPS: What happens to-day? What is the law in regard to persons who arrive ahead of closing time and are outside the room?

The WITNESS: The law is that not more than one voter for each compartment shall at any time enter the room where the poll is held.

The CHAIRMAN: When closing time arrives, if there are twenty people waiting to ballot, as I understand it, the act says the poll has to be closed at the hour set. If there are people outside they are not entitled to vote. If you enlarge that you will keep the poll open for a couple of hours.

Mr. HEAPS: No. I should like to know definitely what the law is to-day.

The WITNESS: That is the law to-day.

Mr. GLEN: The poll must close.

Mr. HEAPS: That has not been the practice. You may have different practices in different parts of the constituency. You may have one deputy returning officer say, I shall let all the people outside come in and vote, and you may have another deputy returning officer say, I shall close at 6 o'clock and all you people may go home.

Mr. GLEN: Of course, Mr. Chairman, whatever the practice is, has nothing to do with the law. The law is that the deputy returning officer shall close his poll at a certain hour; he cannot open it after that hour.

Mr. HEAPS: Before that is done there ought to be some clarification. I know that I have seen different practices adopted in the past. I know of one deputy returning officer who has brought the people in and said, you may vote; and then there was another who closed at the closing hour.

Mr. GLEN: He was right and the other was wrong; that is all.

Mr. HEAPS: Now you are making a law—

. . . . .

Mr. HEAPS: I am in favour, Mr. Chairman, of allowing the people who present themselves at the polling booth and who may have come thirty miles, to vote.

. . . . .

Mr. HEAPS: How do you define closing a poll?

The CHAIRMAN: At the time fixed by the Act, 6 o'clock, or 8 o'clock, whatever the hour is.

Mr. HEAPS: But a voter may have gone there half an hour before the poll closed to cast his vote—I have seen it happen—and when 6 o'clock comes he is told to go away; then he cannot vote.

The CHAIRMAN: If you enlarge that, in my opinion it would mean that you could have a barrage there that would keep the poll open for two or three hours after the hour fixed for closing.

Mr. HEAPS: I do not agree with that because I believe it has been the practice to allow these people to vote after 6 o'clock.

The CHAIRMAN: It is contrary to law.

Mr. MCINTOSH: It is just a question of organization. If you had a better organization you would get your people out in time to vote. I do not think people should be allowed to vote after 6 o'clock arrives.

(Negatived.)

WITNESS: Here is a suggestion that Mr. Turgeon made just now. I am referring to section 51, subsection 2 of the act with regard to the presence of agents. This section should be clarified. As it is now it is very indistinct as to whether the votes may be counted if there are no voters present. The act at present reads: "After all the ballot boxes have been received the returning-officer, at the place, day and hour appointed by his proclamation and in the presence of the election clerk, the candidates or their representatives, if present, or of at least two electors if the candidates or their representatives are not present, shall open such ballot boxes, and from the statements therein—."

Mr. TURGEON: That is not the one I refer to.

WITNESS: "After all the ballot boxes have been received the returning officer, at the place, day and hour appointed by his proclamation and in the presence of the election clerk, the candidates or their representatives, if present, or of at least two electors if the candidates or their representatives are not present, shall open such ballot boxes, and from the statements therein, returned by the deputy returning officers, of the ballot papers counted by them, add together the number of votes given for each candidate." The idea of the present suggestion is that there are occasions upon which no one is present.

Mr. HEAPS: Let him go ahead and count them.

WITNESS: The member making this suggestion wants it clarified. At present there must be two electors, the candidates or their representatives, present before the ballots can be counted. I remember in the election of 1930 in my constituency I was the only person present and there was quite a debate about that. The returning officer wondered whether he had the right to proceed and count the votes—he did ultimately.

Mr. TURGEON: The one I referred to was in the poll, later.

WITNESS: I have that.

The CHAIRMAN: I think we should make a note to consider and clarify that.

Mr. HEAPS: I think that is a very difficult question.

(Stood over.)

Mr. GLEN: As a matter of fact, I was concerned with an election petition just before I came down here. It was a provincial election. On one of the ballots there was no initial at all and some other ballots were not initialled properly. It was held in the recount by the judge in one instance that he could not accept the ballots that were not initialled, but in the other case, the one I was interested in, he accepted the ballots that were not initialled because there was a provision in the Manitoba statute which he thought gave him the power to do that. But to say that every ballot should be counted if not initialled, is opening the door to laxness on the part of the returning officer.

(Negatived.)

Mr. MACNICOL: Before we adjourn may I suggest that the next notice that is sent out indicate to us the matters that will be brought up, because if it is not done and we discuss compulsory voting, we shall be coming here without knowing what we are going to discuss.

The CHAIRMAN: At the next meeting, if it is agreeable to the committee, I should like to try to get through the suggestions that are left over this morning. We shall call the meeting either to-morrow or Friday.

Some Hon. MEMBERS: Friday.

The Committee adjourned at 12.45 to meet again on Friday, February 12, at 11 a.m.

DISPOSITION OF SUGGESTED AMENDMENTS IN 1936

Adopted:

1. Flags, bunting and loud-speakers on cars and trucks should be prohibited on election day.
2. The use of radio for election speeches on election day should be prohibited.
3. Notice to voters should be given by election officers when a candidate withdraws after nomination. (If notice is received in time, there should be printed notice within the poll and the D.R.O. should with rubber stamp mark off names from ballot.)
4. Married woman, widows, and single women should be described in lists by their own proper names; married woman not by the name of their husbands, and the "W" in any event should be eliminated.
5. Advising voters as to time and place of poll should be abandoned.
6. Voters' lists should be printed locally.

Rejected:

1. The Government should bear a substantial portion of the candidates' election expenses—
2. Candidates should be permitted to hire cars to take voters to the polls.
3. Lists should be aranged alphabetically.
4. An effort should be made to induce the provinces to co-operate with the Dominion with a view to having Provincial and Dominion polls coincide as to area. (With a view to the use of the same voters' lists by both Dominion and Provinces.)
5. The Chief Electoral Officer should have the right to declare closed lists in any rural electoral district adjacent to a large city. (Montreal and Toronto specially mentioned.)
6. That the returning officer should provide in urban electoral districts an index to voters' lists giving poll and ward with key and map.
7. Nomination day should be two weeks before polling day throughout Canada.

ORDERED TO STAND FOR FURTHER CONSIDERATION

1. Proportional Representation and the Alternative Vote should be considered.
2. Registration should be compulsory—
   (*a*) At least in urban electoral districts.
   (*b*) Advisable in rural electoral districts.
3. Voting should be compulsory—
   (*a*) And an identification card system adopted.
4. A candidate's expenses should be limited by law to a certain amount per head of the voting population of the constituency in which he is running.
5. Election day should be a public holiday—
   (*a*) Or at least from one p.m. till the close of poll.
6. Contribution from powerful corporations should be curbed—
   (*a*) There should be publication of all subscriptions received.
7. Closed lists should be abolished in rural constituencies and in rural polls in urban constituencies.
8. The absentee vote should be abolished as costly and ineffective. (5,334 votes cast; 1,533 rejected; 3,801 valid; printing $16,000; total cost approximately $250,000.)

9. Right to vote at advance polls should be extended to all qualified electors who will necessarily be away from their polling division on election day.
10. Young people coming of age prior to day of election and otherwise qualified, should be permitted to vote on production of birth certificate if vouched for by a resident elector.
11. The method of transferring names from one list to another should be simplified in certain cases, as far instance—

    One member of a family should be able to arrange for transfer of the names of all members of the family living in the same home.

    Similarly, one member of the family should be permitted to register the names of other members of the same family living in the same home.
12. Publication of election returns from East to West should be synchronized, or hours of polling should vary, as for instance—

    From ten to eight in Nova Scotia, New Brunswick and P.E.I.
    Nine to seven Quebec and Ontario.
    Eight to six Manitoba and Saskatchewan.
    Seven to five Alberta and British Columbia.
13. When there is a further redistribution, an independent commission should be set up to set new boundaries.
14. Public buildings should be used wherever possible for polling booths.
15. There should be polls in hospitals for patients and staffs (see paragraph 18 of Election Instructions).
16. Advising voters by card as to time and place of poll should be abandoned.
17. All voters' lists should be revised up to two weeks before an election.
18. That Registrars should have the right to delete names of deceased voters from lists on production of certificate of death and on being satisfied that the person whose name is on the list is the person whose death is recorded in the certificate.
19. That there should be two enumerators engaged in preparation of lists in rural polls as well as in urban.

Received Late and no Action Taken:

1. A national ballot to obtain names of parties only.
2. In order to qualify as a party entitled to appear on the national ballot, a proposed party must be organized in at least five provinces (or as the law may deem reasonable).
3. The government in office would occupy the top position in all printings on the national ballot, and the remaining parties would occupy positions in order of their strength in the house.
4. Candidates not endorsed by any national party would appear at the bottom of the ballot printed for the affected constituencies.
5. Voters when voting would mark a cross opposite: Liberal, Conservative, C.C.F., Reconstruction Party, or other as they see fit, or opposite the name of an individual if he or she is their choice.
6. Subsequent to election, or prior to election, parties would choose their best men to fill the successful seats.
7. Members would be elected in ratio of votes cast. Ratio to be ascertained from the total vote cast in each province divided by the number of seats in such province. After this division is made, if a few seats remain, these should go to the parties or individuals having the next highest number of votes.

HOUSE OF COMMONS, ROOM 429,

FRIDAY, February 12, 1937.

The Special Committee on Elections and Franchise Acts met at 11 o'clock, Mr. Bothwell, the chairman, presided.

The CHAIRMAN: Gentlemen, will you please come to order. Unless there is something special to bring up this morning we shall continue with the suggestions as we did last day.

Mr. HARRY BUTCHER, called.

Mr. Chairman, a member suggests " that the privilege of voting at an advance poll be extended to sheriffs, bailiffs, court officials, students at a university, doctors, nurses, teachers and casual travellers."

Mr. HEAPS: Why not put in mechanics; you will have it complete then.

The WITNESS: The law on the subject at present is " the privilege of voting at an advance poll shall extend and shall extend only to—

(*a*) such persons as are employed as commercial travellers or upon railways, vessels, airships or other means or modes of transportation (whether or not employed thereon by the owners or managers thereof) and to any of such persons only if, because of the nature of his said employment, and in the course thereof, he is necessarily absent from time to time from his ordinary place of residence, and if he has reason to believe that he will be so absent on polling day from, and that he is likely to be unable to vote on that day in, the polling division on the list for which his name appears; and

(*b*) such persons as are members of the Naval, Military or Air Forces of Canada, or of the Royal Canadian Mounted Police, and to any of such persons only if (because he is called out on active service or for annual training or he is engaged in, or called to the performance of, naval, military or other duty, in pursuance of orders in that behalf) he has reason to believe that he will be necessarily absent on polling day from, and that he is likely to be unable to vote on that day in, the polling division on the list for which his name appears."

Mr. MACNICOL: If you open it, Mr. Chairman, you will have to open it very wide. At the last election I had two or three cases. I remember one in particular who was a neighbour of mine, a man and his wife; they were going to Florida for the winter. They were leaving for Florida, I believe, about two days before the election. Had they remained in Toronto they would have been supporters of your humble servant; but as they had booked their passage and arranged all particulars they could not remain to vote. If you open it up to take in school teachers and so forth you will have to include people who are going away for a holiday. I have another case of three young hockey players or football players, I have forgotten which, who had to go away to play some game which would keep them away from Toronto on election day. They enquired as to whether there was some way in which they could vote. Of course they could not, so if you open it up you will have to include such people as those. I think the whole matter depends on whether it is good for the conduct of an election to open it up in this way. It has been very satisfactory the way it is.

Mr. HEAPS: What are the reasons given for the inclusion of these?

The WITNESS: No reasons were given at all by the member presenting these; but I might point out that one of the suggestions ordered to stand at the last session of the committee reads as follows: "The right to vote at an advance poll should be extended to all qualified electors who will necessarily be away from their polling division on election day."

Mr. HEAPS: That is not as wide as the clause you just read out.

The WITNESS: I thought it was wider.

Mr. HEAPS: Here you take in persons who may be absent on polling day, but in the suggestion you read a while ago you include teachers, doctors and professional men who are in the district and are in a position to cast their ballot on election day.

Mr. CLARK: Anybody could say they were necessarily away.

Mr. MCLEAN: It seems to me there was one class mentioned there to which it ought to be extended. The idea of the advance poll is not to defeat the idea of having people all vote on the same day, to which we must stick, but to allow people who in the very nature of things cannot vote on that day. It seems to me the only class mentioned in addition to those who now come under the section of the act are nurses. I know definitely of cases where nurses could not vote because of the critical condition of their patients on voting day; they had to stay there. I think we might consider extending it to nurses. So far as teachers are concerned, election day is nearly always held on a Monday, and I cannot conceive of any reason why a teacher should have the right to vote at an advance poll. So far as commercial travellers are concerned it just happens that some of them cannot be home on election day. I think we might consider the question of nurses.

Mr. HEAPS: There are a dozen other professions in the same category. Take the lawyer and doctor for instance. A doctor may go out of town to see a patient, or the lawyer may have a case called on election day, and so on. Personally I should like to give everybody the opportunity to vote. If you are going to open the advance poll to everyone you must open it to everyone who has reason to believe they are going to be absent from the poll on election day.

WITNESS: Perhaps it would be well to ask what is the privilege granted to commercial travellers, workers on railways, and so on. It is to vote at an advance poll if, and only if, they will be necessarily absent from time to time from their ordinary place of residence and therefore absent on the day of polling and unable to vote. The suggestion is that this privilege be not confined to the persons mentioned, but shall be extended to others.

Mr. MCLEAN: I would extend it to everybody, if you are going to extend it to other classes.

Mr. TURGEON: To what classes do they wish to extend it?

WITNESS: "That the privilege of voting at an advance poll be extended to sheriffs, bailiffs, court officials, students at a University, doctors, nurses, teachers and casual travellers."

Mr. HEAPS: The suggestion is really ridiculous. In some respects these people are people who get away early from their vocations. Students are through early in the afternoon. Doctors and others are usually running around town in automobiles all day long.

The CHAIRMAN: Government officials get off at 4 o'clock.

WITNESS: May I ask you to look at the section on page 145, 95-a. Am I not right in supposing that the privilege is extended only to those people who will be necessarily absent from the polling division on polling day and therefore unable to vote.

Mr. HEAPS: Would not the same apply to a lawyer, or somebody else?

Mr. MACNICOL: What about a machinist? Suppose he has to leave home on Friday to get a job in northern Ontario. With an election day on Monday he is excluded from the privilege of voting. If you are going to open it up for teachers and everybody else, why not include him? I would suggest we leave the act the way it is or extend it to everyone.

The CHAIRMAN: This section covers people who by reason of their vocation in life are periodically away from home, and expect to be away on election day.

Mr. MACNICOL: That is the way the act reads now?

The CHAIRMAN: Yes.

Mr. TURGEON: I think you had better leave it the way it is. I have several letters from people who want the privilege extended. The trouble is if you extend the privilege now the demand for extension will be enormous and you will never be able to meet it.

Mr. HEAPS: Mr. Chairman, my mind is open in regard to the question of the bona fide elector, who through no fault of his own, is compelled to leave his home a few days before the election and is anxious to cast his ballot, if he can prove his bona fides.

The CHAIRMAN: We carried the suggestion over from last year, and put it on our list for consideration. I think we should dispose of it to-day.

Mr. HEAPS: Yes.

The CHAIRMAN: The class to which you refer, Mr. Heaps, will be considered later. That was the class we left over for consideration, but it is not contained in the particular proposal or suggestion now before us.

Mr. HEAPS: I think we should dispose of this suggestion and consider the other class later.

(Negatived.)

WITNESS: I have another suggestion, which reads as follows: "That instead of an advance poll being authorized for a given place in a rural electoral district, it should be established for the whole electoral district."

Mr. HEAPS: What does that mean?

Mr. MCLEAN: What is that again?

WITNESS: "That instead of an advance poll being authorized for a given place in a rural electoral district, it should be established for the whole electoral district." The reason in the mind of the man who proposed it will be found in schedule 2 of the act, where the places at which advanced polls may be established are mentioned; for instance, in Alberta the places where advance polls may be established are Calgary, Edmonton, Edson, Hanna, Jasper, Lethbridge and so on. The places in the other provinces are also set out, some of which are rural.

Mr. HEAPS: Would you mind explaining to the committee what the practice is now?

WITNESS: This is the law on the subject:—

> 94(1) Subject as hereinafter provided, one or more advance polls shall be established in each of the places mentioned in Schedule Two of this Act for the purpose of receiving the votes of such persons as are hereinafter described and whose names appear in the list of voters for one of the polling divisions included in such place or any other place mentioned in Schedule Two and situate in the same electoral district.

Therefore only those voters who have a right to vote at the polls mentioned in schedule two may vote there.

Mr. HEAPS: What has been the practice?

WITNESS: Whereas this proposed suggestion is to the effect that the advance poll shall not be for the benefit of the people who reside in these places only, but also for the benefit of all persons in the electoral district. For instance, take Manitoba. An advance poll is authorized at Winnipeg. If this suggestion is put into effect I gather that it would be established for the whole of the electoral district.

The CHAIRMAN: In Manitoba you have Brandon, Dauphin, East Kildonan, Minnedosa, Portage la Prairie, Souris, St. Boniface, Transcona, Winnipeg.

Mr. MACNICOL: Let me ask the chief electoral officer a question using North York as an example. If an election is held there at any time are there advance polls established?

Mr. CASTONGUAY: The only advance poll authorized is at Newmarket. The privilege of voting at that poll is limited to the voters whose names appear on the voters list of one of the polling divisions included in Newmarket.

The CHAIRMAN: Newmarket is not in the list. I see York township listed.

Mr. CASTONGUAY: There was an advance poll at Newmarket in the last election. It was struck out because only three voters voted.

Mr. MACNICOL: Do I understand that there was only one advance poll for the whole of the riding of North York?

Mr. CASTONGUAY: As the act stands now there is no advance poll at all. There was one in Newmarket at the last election but it was struck out.

Mr. MACNICOL: Which is adjacent to the city of Toronto.

The CHAIRMAN: It is not in North York?

Mr. MACNICOL: North York township is in North York riding, but York township is adjacent to Toronto.

The CHAIRMAN: You can establish it at any place in York township.

Mr. CASTONGUAY: Yes, any place in York township.

Mr. HEAPS: I should like to be clear on one point. It appears to me, from the remarks of the chief electoral officer, that the advance polls established are not for the whole of the electoral district but just for the district in which the polls are located.

Mr. CASTONGUAY: Just for the place.

Mr. HEAPS: In that case a great many electors in all constituencies are debarred from using the advance poll.

Mr. CASTONGUAY: That is correct.

Mr. HEAPS: Is the idea of the amendment to make the advance polls of such a nature as would include all people within the electoral district?

Mr. CASTONGUAY: All people who are commercial travellers, etc.

Mr. HEAPS: Who comply?

Mr. CASTONGUAY: Yes. A better example is the riding of Lanark. In Lanark, Smith Falls, Carleton Place, Perth and Almonte are places of considerable importance. There is an advance poll authorized for Smith Falls, and the railway employees residing in Almonte or Carleton Place cannot vote at that advance poll; it is limited to the railway employees whose residence is at Smith Falls.

The CHAIRMAN: There is another clause here as well which reads as follows:

> 94. (3) When it is made to appear to the Chief Electoral Officer that, in an area adjoining a place mentioned in the said schedule and included in the same electoral district as such place, there reside a substantial number of electors who may be entitled to the privilege of voting at an advance poll, the Chief Electoral Officer may direct that such area shall, for the purpose of this section, be deemed and be treated as part of the place which is mentioned in the said schedule and which it adjoins.

Mr. HEAPS: Discretionary powers are in the hands of the chief electoral officer.

Mr. CASTONGUAY: Yes.

Mr. HEAPS: Don't you think it would be advisable, if you had an advance poll in a constituency to have it cover the whole of that constituency?

Mr. MACNICOL: What are the objections?

The CHAIRMAN: It would be no use. Take my own constituency, which I know best. There would be no use having an advance poll in the west end of that constituency because nobody would use it. Possibly one person would take advantage of it, that is all.

Mr. HEAPS: Suppose you have one advance poll for a whole electoral district. In that way you would not deprive anyone who wished to vote of his right to vote.

The CHAIRMAN: In my constituency they would have to travel 150 miles.

Mr. TURGEON: What advance polls are there in British Columbia?

The CHAIRMAN: Burnaby, Cranbrook, Kamloops, Nelson, New Westminster, North Vancouver, Penticton, Prince George, Prince Rupert, Revelstoke, Smithers, Vancouver, Victoria.

Mr. TURGEON: There is not one at Squamish.

The CHAIRMAN: No.

Mr. TURGEON: The act, as it now stands, makes no provision whatever for an advance poll for the employees of the Pacific Great Eastern Railway.

Mr. CASTONGUAY: Any name can be added.

Mr. TURGEON: Without being in the act?

Mr. CASTONGUAY: It can be added without being in the act on representations being made to me.

Mr. TURGEON: Nearly all of that railroad happens to be in my riding; Squamish is not. That brings up the question we have been discussing, which is a little difficult. That particular railroad runs through Squamish which is in Vancouver North, and after about fifty odd miles it runs into the Cariboo and all the rest of the line is in the Cariboo. I am inclined to think that there ought to be some provision whereby persons could vote even in another riding. These railway men live, some in Vancouver North and some in Caribou. That question came up some time ago. Angus McInnis' seat is Vancouver East, while there is another seat in New Westminster, the question came up some years ago as to whether railroad men who lived in Burnaby, which is a part of Vancouver North, or lived in Vancouver East could vote in New Westminster. However, I think you have corrected that. The question of providing for the P.G.E. employees is one which I think I do not need to take up with this committee because as I understand it now action can be taken by your department.

Mr. CASTONGUAY: If representations are made, and if it is shown to me that a total of 15 votes would be cast at an advance poll, I have the authority under the act to see that one is provided.

Mr. TURGEON: That is provided for in the legislation as it stands?

Mr. CASTONGUAY: That is provided for now.

Mr. HEAPS: Might I ask how many advance polls would be needed in a city like Toronto?

Mr. CASTONGUAY: One in each riding.

Mr. MCLEAN: May I say, Mr. Chairman, that from my experience in a riding where a number of advance polls are necessary, that the act as it stands is adequate. For instance, we have one town where there are quite a number of travellers, and we have three or four lake ports. There are advance polls at two

of the lake ports in the riding. I had a number of complaints last election that in an adjoining town there were quite a number of sailors who could not vote. As I understand it now the act covers a case such as theirs and I am going to request the chief electoral officer to arrange the privilege of an advance poll in that town for the next general election, if that can be done under the act.

Mr. CASTONGUAY: You say that part of the place is adjacent to the other town—?

Mr. MCLEAN: Yes, it is adjacent; but if you extend the act to make the advance poll available to the people of the whole riding I can see where you are going to open up possibilities for confusion that are going to be very, very difficult to control, because a person at one end of the riding might exercise the privilege of voting at the advance poll and then he might go back to the other end of the riding and vote again. It is going to require some very carefully supervised machinery to regulate a situation of that kind and to prevent a man from voting in two places. From my experience I think the act is adequate as it stands.

The CHAIRMAN: I think there is another section of the act that might be brought to the attention of the committee: (page 144, section 94, subsection 5)(1

> The Chief Electoral Officer may from time to time amend such schedule by striking therefrom the name of any place or by adding thereto the name of any other place, and, so amended, such schedule shall have effect as if incorporated into this act; but he shall amend under the following circumstances only:—
>
> (*a*) If a total of less than 15 votes is polled at the advance polls held within any such place at the election which immediately preceded the amendment, he may strike off the name of that place; or
>
> (*b*) If he is advised and believes that a total of 15 votes will be polled at any place in the case an advance poll is established there, he may add the name of that place.

Mr. CLARK: Suppose a place has been struck off since the last election, can it be restored before the next election.

Mr. CASTONGUAY: Conditions may have changed in such a place which would make an advance poll necessary and desirable.

Mr. JEAN: Have you any figures as to the number registered at advance polls at the last election?

Mr. CASTONGUAY: That will all be found in the report, it could be brought down.

Mr. JEAN: It is very small?

Mr. CASTONGUAY: Very small, yes.

Mr. MCLEAN: I think you will find on the whole that there are quite a number of advance polls at which very few people vote.

Mr. MCINTOSH: Many electors would not have an opportunity for voting if advance polls were not there. They are very important, but I think they should be limited.

The CHAIRMAN: The question being discussed now is as to whether the advance poll established in an electoral district shall apply to every polling subdivision in that district.

Mr. MACNICOL: What is the objection to that, Mr. Chief Electoral Officer?

Mr. CASTONGUAY: The danger of abuses. As Mr. McLean pointed out it would be very difficult with an advance poll established in one corner of the district to check up on the right to vote of people who come from the other end of the district.

Mr. HEAPS: What is the danger there?

Mr. CASTONGUAY: The voters would not be known.

Mr. HEAPS: The voter is not known anyway in most cases.

Mr. CASTONGUAY: Usually he is known in the locality.

Mr. HEAPS: I would say that 95 per cent of the electors who go to the polls are not known to the deputy returning officer at any poll.

Mr. CASTONGUAY: They would be known to the candidate's agent if they are from the same locality.

Mr. MCLEAN: The danger there is that a man who gets a certificate to vote at an advance poll, unless some one spots him, can vote at two places easily; at the advance poll, and again on voting day.

Mr. HEAPS: I am not going to assume that everybody who wants to vote is dishonest.

The CHAIRMAN: I think the danger is that it would open the door very wide though. Take for instance a constituency such as Swift Current which is some 200 miles long and you have an advance poll in Swift Current, that is where all the travellers for that whole district are situated, and they are the only ones practically who are entitled to use that advance poll; but if we were to open the door and someone came down from Central Butte to vote at that advance poll in Swift Current, he would go back to Central Butte 100 miles away and on election day nobody would know that he had voted at the advance poll and he would not be sworn, he would be known there and he could go in and ask for a ballot and vote without any suspicion that he had already voted at the advance poll. If we do open the door wider it seems to me that we will have to provide that the deputy returning officer notifies the proper official in whatever polling sub-division happens to be concerned.

Mr. MCLEAN: There is that provision now.

The CHAIRMAN: But you do not have to notify every polling sub-division in the place.

Mr. CASTONGUAY: The only alternative would be to notify the deputy returning officers all over the district.

The CHAIRMAN: That is the point I am trying to make. You would have to notify the responsible election officials all over the district.

Mr. MCLEAN: Where a voter registered in a particular sub-division votes at an advance poll in an adjoining sub-division his name is struck off when the deputy returning officer gets the certificate—

Mr. CASTONGUAY: The returning officer who issues the certificate advises the deputy returning officer that such a certificate has been issued.

Mr. MACNICOL: I was going to use your own case, Mr. Chairman, as an example. Suppose the man you referred to as living in Central Butte finds that he is going to be away on election day, then he goes to the returning officer and gets a certificate to vote. Now, if the returning officer has to notify the deputy returning officer in Central Butte—

The CHAIRMAN: He would have to drive to do it, so far as my constituency is concerned.

Mr. MCINTOSH: He would have to drive hundreds of miles to do that.

The CHAIRMAN: You could never get such notice to him by mail.

Mr. MCINTOSH: What the chairman has said is an accurate description of what applies in every riding in Saskatchewan perhaps, with the exception of Regina, Moose Jaw and Saskatoon; it certainly applies to Prince Albert and North Battleford and Humboldt and all those other ridings—Swift Current, Yorkton and Weyburn. I do not see how you could change it and make it otherwise.

The CHAIRMAN: In a lot of these places mail only goes in once in two weeks.

Mr. MCLEAN: That shows why it would be rather difficult to apply this proposal to rural ridings.

Mr. MACNICOL: I see the objection. In the cities it is quite easy because the returning officers can get in touch immediately with a poll and have a man's name taken off the list for the sub-division in which he resides, and he is thereby barred from voting a second time; but it would be rather difficult in the case of a riding such as Swift Current, and similar rural ridings, for the reasons which have been given.

(Negatived.)

The CHAIRMAN: What is the next proposal?

WITNESS: Next is the suggestion that after the words "each polling division" in Section 32(1) the following words should be inserted, "or in an adjacent polling division." The section referred to reads as follows:—

> 32 (1). The poll shall be held in each polling division in a room or building of convenient access, with an outside door for the admittance of voters, and having, if possible, another door through which they may leave after voting.

If this suggestion is followed it would read as follows:—

> 32 (1). The poll shall be held in each polling division, or in an adjacent polling division, in a room or building of convenient access, with an outside door for the admittance of voters, and having, if possible, another door through which they may leave after voting.

I notice, however, that in the instructions to the Chief Electoral Officer we find the following:—

(Section 22, p. 12) 22. Number and location of polls:—

> The polling station for each polling division should be located within the polling division, and every polling division should therefore have at least one polling station within its boundaries. Cases may occur in which it would be more convenient for the voters of a polling division that the polling station should be established outside its boundaries, for example, in an adjoining village itself constituting another polling division; in any such case the consent of all the candidates to the establishment of the polling station outside the division must be obtained.

Mr. HEAPS: I think that is a dangerous principle.

Mr. MACNICOL: I think we negative that.

The CHAIRMAN: I was just wondering about Mr. Heaps' statement; you mean, the sugestion is dangerous?

Mr. HEAPS: I mean the idea of putting the polling sub-division outside the constituency.

The CHAIRMAN: Putting the polling place outside the division, is the proposal.

Mr. HEAPS: That means, outside the polling sub-division?

WITNESS: Yes.

Mr. GLEN: That is very rare.

The CHAIRMAN: It is very convenient. For instance, coming back to my own constituency again, Swift Current, we have different polls that vote in the same building, and it is much more convenient for the people than it would be to have them vote in a particular polling sub-division; but that has to be done with the consent of all candidates.

Mr. MacNicol: In a federal election?

The Chairman: Yes.

Mr. Heaps: My understanding was that the poll must be in the sub-division.

Mr. McIntosh: We have that now, have we not?

The Chairman: There is a discretion there.

Mr. Glen: Do people who reside in different polling sub-divisions go to the same place to vote?

Mr. MacNicol: No.

The Chairman: Cases may occur in which it would be more convenient for the location of a poll to be outside the polling sub-division. Take, for instance, an adjoining village in which the facilities might be more convenient for all concerned. In any such case the consent of all the candidates to the establishment of such a polling station outside of a particular division must be obtained. I may say that with respect to provincial elections in Swift Current that has been arranged. In the last federal election I think we had a poll in each polling sub-division.

Mr. Heaps: Might I ask, Mr. Chairman, in cases where it is impossible to obtain suitable quarters within a polling sub-division if you can enlarge that polling sub-division and have one building for the whole district?

The Chairman: The Chief Electoral Officer calls my attention to the fact that there is such a provision in the act—subsection 8 of section 33 at page 107:

> (8). The returning officer may, with the prior permission, and shall upon the direction of the Chief Electoral Officer, establish in any city or town of not more than 10,000 population a central polling place whereat the polling stations of all or any of the polling divisions of an electoral district may be centralized, and upon the establishment of such central polling place all provisions of this act shall apply as if every polling station at such central polling place were within the polling division of the electoral district to which it appertains.

Mr. McLean: It seems to me that the act is quite adequate as it stands, with that discretionary power on the consent of all the candidates. I do not think the idea contained in the suggestion that without the consent of all candidates polling places might be established indiscriminately outside of the polling sub-division is a good one. I do not think that is a good idea.

(Negatived.)

Witness: A member suggests that the lists of electors be prepared and revised only after the issue of writs of election.

The Chairman: That is a question that is held over.

Mr. Heaps: We might as well negative it.

Mr. MacNicol: What is that again?

The Chairman: That whole question has to be dealt with, the question of lists. We have already got that held over for consideration. As far as this suggestion is concerned, I think it should be reserved with the others.

(Stood over.)

Witness: A member suggests that all agents of candidates at a poll should be qualified electors in that electoral district.

Mr. Glen: No.

Mr. Turgeon: We settled that the other day when we talked about transfer certificates.

(Negatived.)

WITNESS: A member suggests that the initials of the deputy-returning officer should be written with ink, not with pencil.

Mr. MACNICOL: What does the act read now?

WITNESS: It does not stipulate.

Mr. HEAPS: There has never been any difficulty in the past, has there, because it has been written in in pencil?

Mr. MCINTOSH: It is far better.

The CHAIRMAN: I think the member who made that suggestion must have been thinking of the North Grey by-election at the time of the famous three norths.

Mr. MACNICOL: Yes, North Wellington, North Bruce and North Grey.

Mr. CASTONGUAY: The provision is as follows: In such case, the deputy-returning officer shall put on the back of the ballot paper his initials, together with a number corresponding to that entered on the poll book opposite the name of such voter...

(Negatived.)

WITNESS: A member suggests that the election clerk be authorized to issue transfer certificates. At present only the returning officer can do so.

Mr. CASTONGUAY: I think there is some merit in this suggestion. The election clerk is the returning-officer's assistant. There is only one in each electoral district. And with the transfer certificate issued by the returning officer, it imposes a lot of work on him at one time.

Mr. GLEN: He is well paid for it.

Mr. CASTONGUAY: It is not a question of payment. It is a question of convenience. It is a question of time. These requests come in at the last moment, and the returning officer has hundreds of these certificates to issue on the last day. It would be a great help if his election clerk had the same power.

Mr. TURGEON: Is he the election clerk for the whole constituency?

Mr. CASTONGUAY: Yes. There is only one appointed.

Mr. TURGEON: The returning officer's appointee.

Mr. CASTONGUAY: The returning officer's appointee; and the election clerk is authorized by the act to issue certificates entitling voters to vote at advance polls. I think it might be advisable if he had authority in both cases.

Mr. TURGEON: I thought it was the ordinary clerk.

Mr. HEAPS: If the suggestion were adopted, there would be two persons in the constituency who would be entitled to issue certificates.

Mr. CASTONGUAY: In the same place.

Mr. HEAPS: See the confusion that would come about.

Mr. GLEN: I think you had better leave the authority as it is.

Mr. MACNICOL: There has not been any serious complaint over the present act, has there?

Mr. CASTONGUAY: Yes.

Mr. MCLEAN: In connection with that, there is another matter that is related to it—I do not know whether it is contained in any of the suggestions—which ought to come up. That is as to where the returning officer ought to be on election day. I think that is related to it. For instance, in one election I had to do with, there were certain things necessary to be done on election day at certain polls. The returning officer saw fit on election day to make a tour of the ridings to see that everything was going all right. Very serious complaint came as a result of that. He had the election clerk with him. If the election

clerk had authority to issue these certificates, it might overcome some of the difficulties that occur. I am not sure—I have not looked it up—whether the returning officer should be in his office on election day or not. I think that is something that, at the right time, should come up for consideration.

Mr. McINTOSH: Is that the only case where that has occurred in your experience?

The CHAIRMAN: I think we might hear from the chief electoral officer as to the seriousness of the situation. It never occurred to me.

Mr. McLEAN: The returning officer and his clerk are working together in the whole campaign; and I cannot see any objection whatever to permitting the clerk, in the absence of the returning officer, to issue those certificates. As a matter of fact, he probably does it anyway, in many cases.

Mr. GLEN: Who signs?

Mr. CASTONGUAY: The returning officer.

Mr. MacNICOL: As a rule the election clerks do less than nothing until the campaign nears its end. The returning officer carries on the election work and does not give him anything more than he can avoid giving him. If he gave him work he would have to pay him. My experience has been that the clerks do not put in a very great deal of time.

Mr. TURGEON: That depends on the length of the riding.

Mr. MacNICOL: The returning officer does the work himself.

The CHAIRMAN: Can you add anything, Mr. Castonguay, to explain where the difficulties have arisen?

Mr. CASTONGUAY: The difficulty arises in large urban electoral districts such as Ottawa, Toronto and Montreal where demand is made at a late date for a lot of transfer certificates. I was told by several returning officers that they were overwhelmed with applications, and it is quite a hardship to them to have to sign all these certificates themselves. It would be a great help if the election clerk could dispose of these requisitions himself. I know that the office of the returning officer has been clogged up; I saw it myself here in Ottawa on the last day, when they have a lot of other duties to perform. It would be quite a help to the returning officer in disposing of the work if the election clerk were authorized to sign transfer certificates.

With regard to the returning officer, there is nothing in the act about his duties on polling day. But in the instructions, the following is stated:—

> During the polling, both before polling day when advance polls are being held and on polling day itself, the returning officer should be available to oversee the proper conduct of the election and direct deputy returning officers who require guidance. This duty can ordinarily best be performed from the returning officer's office.

Mr. McINTOSH: At that rate, the returning officer is not supposed to be a kind of perambulating official riding from poll to poll on election day in the riding.

Mr. CASTONGUAY: I think he had better stay in his office.

The CHAIRMAN: I think we ought to make a note of that right now, so that we will consider it. I believe the returning officer should be available on election day.

Mr. GLEN: All arrangements should be completed before that.

Mr. McINTOSH: What I wanted to get from the chief electoral officer is this: Have you had any experience in connection with an experiment of this kind and how has it worked out? What is your opinion about it?

Mr. CASTONGUAY: Most of the returning officers follow this instruction; and I think it is the best course to follow.

Mr. McINTOSH: Stay in his office.

Mr. CASTONGUAY: Stay in his office and be available to answer any inquiry that may come in.

Mr. McINTOSH: Under the act now he can leave his office?

The CASTONGUAY: The act is silent. There is nothing in the act.

Mr. MACNICOL: What is the remuneration of the clerk, or rather on what basis is his remuneration fixed?

Mr. CASTONGUAY: Well, in the schedule of fees there are only two items providing remuneration for the election clerk. One is for his presence at the nomination proceedings. He gets $5 for that. The other one is for his presence at the final addition of votes. He gets $10 for that. If there is a recount he gets $8 for every day of his attendance at court. It is very difficult to fix the rate of remuneration for the election clerk, because in some electoral districts the election clerk does practically nothing.

Mr. MACNICOL: That is what I said a few minutes ago.

Mr. CASTONGUAY: In other electoral districts the returning officer is nothing but a figure-head and the election clerk does all the work. There is a certain amount allowed to the returning officer for his personal services in the conduct of the election; and in the instruction it is stated that the fees of the election clerk should be arranged by agreement with the returning officer. This amount is supposed to cover the personal fees of the returning officer and of the election clerk. But it is very difficult to state in the tariff of fees or in the instruction what amount the election clerk should receive.

Mr. MACNICOL: That is what I had in mind a while ago. I suppose there are returning officers who give quite a sum to their election clerks. On the other hand, there are other returning officers who do the work themselves and give little to their clerks.

Mr. CASTONGUAY: Quite right.

Mr. GLEN: Mr. Castonguay, the returning officer is an appointee of the government?

Mr. HEAPS: No.

Mr. GLEN: Yes. He is the only official we have.

Mr. McLEAN: The government does not appoint the returning officer, does it?

Mr. HEAPS: Who does?

Mr. McLEAN: I think it is the chief electoral officer.

Mr. GLEN: Of course he does anyway. The point I was going to make is this: If we give the power to the election clerk to do what the returning officer can do, we will have to make an amendment to the act and make him one of the officers of the poll. It seems to me that is a division of responsibility. The returning officer has the sole responsibility for everything that happens at an election. With him all responsibility lies. With regard to any irregularities that take place in the election, the clerk is responsible only to the returning officer and not responsible to the department.

Mr. CASTONGUAY: Of course he takes a lot upon himself; because being an election officer, the penalty is very severe.

Mr. GLEN: On the election officer.

Mr. CASTONGUAY: On the part of any election officer.

Mr. GLEN: But the election clerk—he is not appointed.

Mr. TURGEON: Does the clerk become an election officer when he is appointed?

Mr. MacNicol: Certainly. He takes the oath.

Mr. Heaps: He is almost in the position of the ordinary D.R.O. who is appointed by the chief electoral officer.

Mr. Castonguay: He is a higher election officer than that, because should anything happen to the returning officer in the week or a few days before polling day, he would act as returning officer. He has to stand ready.

Mr. MacNicol: He becomes the returning officer.

Mr. Heaps: He is appointed by the returning officer and paid by him. He pays him for his services.

Mr. Castonguay: He is paid out of the allowances made as remuneration for the personal services of the returning officer. Their rate or remuneration should be the subject of an agreement between the two.

Mr. Robichaud: I do not think we should give judicial power to the clerk. It is all right to give him ministerial power, the same as a magistrate, whose clerk can sign. But I think the magistrate should decide. He should have the deciding voice as to whom he is going to give a certificate to. It is all right after the returning officer has decided that so and so has a right to have a certificate; it is all right for the clerk to sign. I have no objection to that ministerial power, but to give him judicial power, I do not think we should.

The Chairman: It seems to me if we are going to make a change in respect of this matter, as Mr. Robichaud says we should have him authorized to issue these certificates only by the returning officer.

Mr. Heaps: Is it not a fact that these certificates are very often made out ahead of time? Why change it?

Mr. Castonguay: There is a provision in the act which says that the certificate must not be issued in blank.

Mr. Heaps: Not issued in blank; but the clerk makes them out and the returning officer signs them.

Mr. McIntosh: I think the main question at issue is the question of responsibility. If we divide it I am afraid we might run into difficulty, and I doubt if it would be wise to do it.

The Chairman: I believe if any one of us were put in charge as returning officer we could manipulate the office so that we would not be deluged with work on election day.

Mr. Castonguay: Section 96 of the act prescribes the names of persons who are entitled to issue advance poll certificates. The persons mentioned include: "the election clerk on behalf of the returning officer."

Mr. Turgeon: He does it in that advance poll?

Mr. Castonguay: Yes.

The Chairman: The question is as to whether or not we will authorize the election clerk to issue transfer certificates, or confine it as it is now to the returning officer.

Mr. Turgeon: I think the statement made by the chief electoral officer as to actual difficulties having been encountered in various elections is worth consideration. We might give the matter further consideration. I seconded the motion on first impulse. However, the chief electoral officer is in an excellent position because he gets the complaints and sifts them out. So, we might give this matter further consideration later on.

Mr. Heaps: Why delay these things? How many certificates are issued in an electoral district on the average?

Mr. Castonguay: It all depends on the number of candidates.

Mr. Heaps: Generally speaking?

Mr. CASTONGUAY: It is difficult to state; but I should say that in an electoral district where there are 150 polls and four candidates in the field, it might be necessary to issue as many as 500 transfer certificates.

Mr. HEAPS: It is not done though, is it?

Mr. CASTONGUAY: It all depends on the organization. In Ottawa West, at the last election, I understand that there was not a single transfer certificate issued, because each party agreed to let its scrutineers who had a vote in another polling division go out and vote and come back.

Mr. HEAPS: I do not think the average would be 100 in a constituency across the country.

Mr. MCINTOSH: I think that the explanation of the chief electoral officer is interesting and it might be well to consider it.

Mr. MACNICOL: If we give that additional power to the clerk and provide for it in the act the clerk will be in a position to demand of the returning officer more remuneration than the returning officer may want to give him or may think he is worth.

Mr. HEAPS: There is one objection I have against it: I do not want to see any special certificates floating around at election time. If we can keep this down to the minimum it is better. I think the arrangement which Mr. Castonguay pointed out as it worked in Ottawa constituency is indicative of what can be done if the parties get together and agree upon a certain line of action. Now, if that was the case here it can be done elsewhere; but if we are going to make it easy for these certificates to be obtained we are going to invite people to apply for them. We should not encourage it at all.

Mr. MCLEAN: I can give the example of a returning officer who has acted as a returning officer on many occasions. He knows the riding I am speaking of well and has good judgment, but he is not clerical. Now, in the last election, and on one other election, he engaged an election clerk who is of a clerical nature. In that case while the returning officer saw to the management of the election the election clerk did the work.

The CHAIRMAN: He could sign his name though, and the election clerk could make out the certificates. All that would have been necessary would be to sign his name.

Mr. MCLEAN: I do not think it is a matter that affects anything like all the ridings; and I can see that there are many cases where it would facilitate and expedite the work of the returning officer if his clerk were permitted to do in the case of these transfers what he is permitted to do in the case of certificates for an advance poll.

Mr. HEAPS: I do not think we should legislate in this committee for exceptions. If we start doing that we shall get into all kinds of difficulty.

Mr. CASTONGUAY: The committee might be interested in hearing the instructions on the subject of election clerks and their remuneration. This appears on page 6, paragraph 4, of the election instructions:

> The returning officer and the election clerk will not receive any remuneration until an election is ordered. The fees provided in Items 2 to 11 of the Tariff of Fees for Elections Officers apply only for the administration of the election. Unless he replaces the returning officer the election clerk's duties at an election and his remuneration except for the few special services for which fees are specially provided, should be the subject of arrangement between him and the returning officer; in some electoral districts he will have very little to do, although in others the

returning officer may delegate to him numerous and important duties. If he replaces the returning officer he will be entitled to the proper proportion, having regard to the period of time during which he has acted, of the fees which the returning officer would otherwise have received. The election clerk, like the returning officer, is disqualified from voting...

The CHAIRMAN: Gentlemen, what is your wish in connection with this suggestion?

Mr. TURGEON: I suggest that we let it stand over for consideration along with some others.

Mr. GLEN: A lot of suggestions have been left over. There is nothing we can be told that we do not know now. I prefer that we should decide this question now.

Mr. HEAPS: Everything is being left over.

The CHAIRMAN: Mr. Castonguay informs me that formerly the election clerk had the power, but under this act he has not.

Mr. MCLEAN: To bring the matter to a head, I would move that we recommend this change. Personally, I do not think it is of very vital importance, but I move it.

The CHAIRMAN: Is there any further discussion?

Mr. TURGEON: On impulse I would be opposed to it; but after listening to the explanation of Mr. Castonguay I am inclined to think the matter is worth consideration.

Hon. Mr. STIRLING: I can conceive of instances where it would be beneficial. I can imagine in my own riding that there are cases where it would be good; but I gravely question the wisdom of widening the provision.

Mr. TURGEON: That is why I would like to have the suggestion stand over for further consideration rather than to have it carried now.

Mr. MCINTOSH: If there is any division of opinion there should be an amendment.

Mr. MCLEAN: I will withdraw the motion if it is the wish of the committee that it should be withdrawn.

Mr. HEAPS: Why leave it over?

Mr. MCINTOSH: For further consideration. We might have an inspiration.

The CHAIRMAN: We will have it typed and we will leave it to you. We can dispose of the matter in a few seconds when it does come up.

(Stood over.)

WITNESS: "That in section 106 (2) the words 'person qualified as an elector in' should be substituted for the words 'resident of'."

I will read the section as it stands now, at page 149:—

> No person shall be appointed election clerk, deputy returning officer or poll clerk unless he is a resident of the electoral district within which he is to act.

It is suggested that that should now read:—

> No person shall be appointed election clerk, deputy returning officer or poll clerk unless he is a person qualified as an elector in the electoral district within which he is acting.

Mr. MCINTOSH: They have been appointing some who are not qualified?

Mr. HEAPS: He has to be an elector in that constituency under the act.

Mr. TURGEON: He does not now.

WITNESS: Not necessarily.

Mr. HEAPS: What is the reason for the change? There is nothing suggested.

Mr. CASTONGUAY: The importation of strangers to act as deputy returning officers and poll clerks.

Mr. MACNICOL: To act in the polling sub-division to-day under the present act it concerns the deputy returning officer and the poll clerk; but do they not have to reside within the electoral district? I do not mean in the sub-division.

Mr. CASTONGUAY: They have to reside in the electoral district.

WITNESS: May I read it again.

> No person shall be appointed election clerk, deputy returning officer or poll clerk unless he is a resident of the electoral district within which he is to act.

But now it is proposed that in addition he shall be an elector.

Mr. MACNICOL: That is new to me.

Hon. Mr. STIRLING: How often does it happen that a man is not an elector?

Mr. CASTONGUAY: It happens quite often.

Hon. Mr. STIRLING: The main point is with regard to being a minor.

Mr. CASTONGUAY: I have been asked the question several times in every election, and I have ruled that a person should be at least twenty-one years of age to act as a deputy returning officer. In the case of poll clerks, following the custom set, I have ruled that minors may act as such.

Mr. MACNICOL: That sounds to me as a good suggestion that the poll clerk and the deputy returning officer of a poll must not only be residents but must also be electors. I am in favour of that.

Mr. GLEN: Is not that the purpose of the amendment?

WITNESS: Yes.

The CHAIRMAN: I know of cases where the deputy returning officer has employed one or two of his own family as poll clerks.

Mr. GLEN: Mr. MacNicol's idea is that not only shall this man be a resident but also an elector.

WITNESS: Both.

The CHAIRMAN: Here is the situation as Mr. Castonguay has shown: in the event of anything happening to a deputy returning officer on election day the poll clerk becomes the deputy returning officer. Now, surely, that person should be qualified for that position and should not be some boy or girl under twenty-one years of age.

Mr. MCINTOSH: There should not be any family compact in a case of that kind.

Hon. Mr. STEWART: That happened in my constituency. A man dropped dead an hour after the poll opened. There was a little confusion, but there was a good election clerk and he carried right on. He sent for the returning officer who straightened the matter out. But he should be a man of some capacity.

(Adopted.)

WITNESS: A member suggests:—

> That the returning officer shall be obliged to keep a record of all transfer certificates issued.

Mr. HEAPS: Is not that a question for the chief electoral officer himself to attend to when he issues the certificates for the returning officers in various constituencies?

Mr. CASTONGUAY: The only specification made in the act now is that the returning officer has to see that the certificates are issued in numerical order; they have to be numbered. I think it would be advisable to keep a record of the certificates.

(Adopted.)

The WITNESS: A member suggests:—

> That a candidate should not be allowed to file more than one nomination paper with the returning officer.

Mr. GLEN: I think we will forget that.

Mr. JEAN: I move that it be negatived.

Mr. GLEN: Mr. Castonguay, have you anything to say about that?

Mr. CASTONGUAY: I think myself it should be limited to one nomination paper; that the nomination paper of a candidate be prepared on one of the forms issued by my office, forms 6 and 7. The practice has been to get a large number of these nomination papers and to circulate them throughout the electoral district, and bring them all to the returning officer. Sometimes there have been as many as 200, and the returning officer does not know what to do with them.

Mr. MCINTOSH: Would they not be part of one nomination paper?

Mr. CASTONGUAY: Ten names are sufficient on a nomination paper. The proper affidavits would have to be made. If nomination papers are not official they serve no good purpose, but they clog up the returning officer's papers and documents.

Mr. GLEN: I can see where one nomination paper might have some technical defect; where it might confuse the returning officer; whereas if there were two or three that confusion would not arise.

Mr. MCLEAN: I think some candidates get one or two hundred names and publish them, and I believe it does have a definite effect upon the election, because in the local papers throughout the riding 150 names appear on one nomination paper of one candidate and are published and another candidate has a miserable dozen. It has an effect. I think that is the purpose.

Mr. TURGEON: I think we had better allow it to stand.

Mr. HEAPS: The more names you get on the worse it is.

Mr. CASTONGUAY: As a result of the experience gained in the last general election I said in my last issue of the election instructions:—

> The official nomination paper of a candidate should be prepared on only one blank form (Forms Nos. 6 and 7) and the returning officer will not accept any unofficial nomination paper tendered by any candidate.

Mr. JEAN: If there is a mistake in one of these forms he is entitled to get another?

Mr. CASTONGUAY: Certainly; he can get as many as he likes.

Mr. HEAPS: I will give you a personal experience I had a few years ago in an election. I had the form made out just before mid-day, and we found there had been a mistake where the people had signed their names. We were told this was wrong probably three-quarters of an hour before the poll closed. We had to go out and get a complete new nomination paper filled out. If we had had the precaution of having an extra paper with us it would have saved all the trouble.

Mr. MCINTOSH: I think that is the main idea in the presentation of the matter before the committee. The idea is to make sure and doubly sure with regard to the candidate's nomination papers. If there is a mistake on one nomination paper he has others.

Mr. CASTONGUAY: He can bring as many nomination papers as he likes; but the fact that he files with the returning officer fifty or one hundred nomination papers that are not official will not help his cause, if the official one is not correct.

The CHAIRMAN: The official one is the only one. You cannot have two or three official forms.

Mr. CASTONGUAY: The candidate can get a hundred forms if he wants them.

The CHAIRMAN: It seems to me the section of the act and the instructions cover the case very well. Unofficial papers are not recognized anyway.

Mr. MCLEAN: The returning officer has to give a receipt showing he has received the nomination paper?

Mr. CASTONGUAY: Yes.

Mr. TURGEON: Is the receipt sufficient to take responsibility off the candidate or the candidate's agent?

Mr. GLEN: I am not so sure of that.

Mr. CASTONGUAY: The receipt that the returning officer gives to a candidate is supposed to cure all ills in the nomination paper.

Mr. GLEN: Does it say so in the statute?

Mr. CASTONGUAY: It is in the election instructions. But should there be anything seriously wrong with the nomination paper it would not prevent a court of justice upsetting it when it came to a show-down.

Mr. HEAPS: As I understand it Mr. Castonguay has adopted the suggestion made by Mr. Butcher. Is that right?

The CHAIRMAN: He has notified them that all unofficial papers will not be recognized.

Mr. CASTONGUAY: Will not be accepted.

Hon. Mr. STERLING: Is it a fact that the suggestion is in a rural riding only one nomination paper is permissible?

Mr. CASTONGUAY: Those are my instructions.

Mr. MCINTOSH: But you can have any number of names.

Mr. CASTONGUAY: There is room for thirty names.

Mr. TURGEON: Do you mean by that, just one form? I am not asking if the nomination paper consists of one or more forms, but I would like to know what the suggestion means.

Mr. CASTONGUAY: The suggestion means that there should be only one nomination paper filed with the returning officer.

Mr. TURGEON: One sheet?

Mr. CASTONGUAY: It is a double sheet; form 6 and 7 is on a double sheet.

Mr. MCINTOSH: He can get thirty names on the two sheets?

Mr. CASTONGUAY: He can get thirty names on that nomination paper. Ten names are all that is necessary.

Mr. TURGEON: What is the idea? Is the idea to stop the returning officer from being congested with work because I can quite follow what Mr. McLean says. You take Mr. Stirling's and my own riding. In both cases you have a widely extended area consisting of many directly opposite industries. You have parts of riding that are purely mining, parts that are purely agriculture and parts that are purely grain growing and cattle raising. Circumstances might arise where a candidate might find it necessary—I do not mean officially—in his work as a candidate to see that those in the mining districts are permitted to give expression to their consent in a more or less official manner, and those in the agricultural districts the same. You might find a candidate creating a lot of discontent by the strict ruling on a matter of this kind.

[Mr. Harry Butcher.]

The CHAIRMAN: Just to add to that, may I say this; in connection with my own constituency there are a number of men who have signed nomination papers ever since the province was formed.

Mr. HEAPS: For all candidates?

The CHAIRMAN: Possibly, but I cannot say that; I do not think so. In any event, these particular men—some of them are well up in years—are most anxious to have their names on the nomination paper, and it is rather difficult to get them all on that one official form.

Hon. Mr. STIRLING: Yes.

Mr. MCINTOSH: I think we all agree with what the chairman says. By having the extra number of names on your nomination paper helps to work out the idea back of representative government, does it not? These men like to be represented in a political way on nomination papers.

The CHAIRMAN: I have in mind one man who at the last election was 81 years of age. If I had not sent my nomination papers to him to get his name on them it would have killed him.

Mr. MCLEAN: The other side of the picture is this; the present practice, which is indulged in very largely, has the effect of improperly influencing the vote. The practice in many places is to publish in all the local papers a list of from a hundred to two hundred names on the nomination papers of the candidates. That is done deliberately. The names are secured and published definitely for the purpose of influencing the vote; and it does influence the vote, and it influences it very definitely in this way; that before the heat of an election is at its height, before you get right into the fight, I take the nomination papers or my agent takes the nomination papers and asks a certain man to sign them. He does not like to refuse to sign them. He signs them and he is bound. What is more, I have known people who are employed by the government not in a temporary way—I can think of an incident of a man who was employed temporarily on government work who was asked to sign nomination papers. He did not like to refuse. After the election the other side said, here is this man taking part in an election fight, fire him. That is the sort of thing that is going on because of the publication of those names, which is absolutely unnecessary. I think the practice is bad and the suggestion is good. It is all right to say these people have signed nomination papers for years. All that is required is ten names. I think whoever made that suggestion is hitting at a practice which is bad and we ought to correct it.

Mr. TURGEON: By limiting the number of signatures to the nomination papers you will not get away from the difficulty you mention; because if someone wants to tie down a civil servant he can do it in a list of thirty just as effectively as in a list of a hundred and fifty. So far as publication is concerned I am in favour of leaving it open. The question of publication came up in my election last year and I vetoed the suggestion that the names be published. I do not like publication. I do not think it is good. That is my opinion. Of course, I may be wrong. I am saying this simply to show you that one may be in favour of a large list without wanting to publish the names of those who are on the list. But there is something in what the Chairman says and there is a good deal in what I say about different industrial interests and occupational interests; and you cannot reach them all on one list. It is impossible in a riding like mine. As I said the other day a man has to go a thousand miles out of his way from one part to the other and back again. You cannot do that on one list. You cannot take it from one end of the riding to the other as I would be forced to do. If one little corner of my riding agreed to my nomination the others might say, we have not been consulted. I could not do it in any other way; it is physically impossible.

* (Negatived.)

The WITNESS: A member suggests "That provision should be made for the establishment of a floating or travelling poll for the taking of the vote of bed-ridden patients in large hospitals for permanent patients."

Mr. HEAPS: No, no. It is opening the door again.

Mr. MACNICOL: We have had it in military hospitals anyway.

Mr. JEAN: Let me tell you of an experience in my constituency. There we have a hospital where there are very old people who like to vote. They could not get out of bed, and in the last election I had four polls in the hospital.

Mr. MCINTOSH: What was the total vote?

Mr. JEAN: There were only six who were unable to get out of bed, but they were still able to vote.

Mr. MCINTOSH: They certainly should have the right to vote if you can get them to vote.

Mr. GLEN: What do you say to that, Mr. Castonguay?

Mr. CASTONGUAY: In every election in certain hospitals, particularly around London and other parts of the country, requests have come in for floating or travelling polls to allow bed-ridden patients to vote. At the last election the same request was made to me again. I told the persons who made the request, that if they had an express agreement from all the candidates I would not have any objection to this practice being followed; an express agreement was obtained; all the candidates signed it and a travelling poll was established in a hospital in London. There were one or two floating polls established elsewhere.

Mr. MACNICOL: Military hospitals?

Mr. CASTONGUAY: No; it was for permanent patients.

Mr. HEAPS: How can you differentiate between a person who is a permanent and one who is not?

Mr. CASTONGUAY: It depends on the length of time in the hospital.

Mr. HEAPS: Suppose a man goes into hospital for a week, is he not entitled to the same privilege?

Mr. CASTONGUAY: No, because he has a vote in some other place. That is not his polling division.

Mr. HEAPS: Suppose he is in the hospital on polling day.

Mr. CASTONGUAY: He must be qualified to vote in the hospital.

Mr. MCINTOSH: He must be a patient in the hospital on election day?

Mr. CASTONGUAY: A qualified voter.

The CHAIRMAN: If he is unable to leave hospital in a case of that kind I think he should have the right to vote.

Mr. HEAPS: Would the same thing apply to the Old Folks' Home?

Mr. CASTONGUAY: Certainly.

Mr. MACNICOL: What do they do in the Old Folks' Home now?

Mr. CASTONGUAY: There was no request made to have a floating poll established in their home.

Mr. MACNICOL: And the home for incurables in Toronto?

Mr. CASTONGUAY: Yes; but most of them were able to go to the polling station to cast their votes.

Mr. MACNICOL: Due to my experience at one election I am afraid of a travelling poll. If the ballot box is taken from bed to bed by the returning officer and his clerk and the nurses are allowed to participate you will find that the patient is unfamiliar with what is happening and he will say: who is run-

ning? What is this all about? For whom shall I vote? They then slip the name to the patient and they vote, without knowing anything about the particulars or the men who are candidates. I think there is a problem there. We have to be careful about having a travelling poll.

Mr. McINTOSH: Would they not have as good a working knowledge of election activities in the riding, and as to who were the candidates and so forth even though they were in hospital?

Mr. MACNICOL: Take for instance a hospital that has patients from all over the country, they would not be in a very good position to know about election activities at home. If they had been there for four or five months their name is usually on the register at home, and if they were at home they would vote for say John Jones of Saskatoon—or where ever they came from. It seems to me that if they were to vote in hospital they might possibly not know whom to vote for say down in Winnipeg.

Hon. Mr. STEWART: I understand that the suggestion is only to make this service available with respect to voters who have been a long time in hospital and whose names are placed on the list there; that in the case of a man who comes in from say 20 miles out in the country it would not apply.

The CHAIRMAN: I think the suggestion goes for all.

Mr. McINTOSH: I thought it applied to all people in hospital.

The CHAIRMAN: We will hear it read again.

The WITNESS: The suggestion reads as follows:—

> That provisions should be made for the establishment of a floating or travelling poll for the taking of the vote of bed-ridden patients in large hospitals for permanent patients.

The CHAIRMAN: Going back to the Swift Current constituency again as an example, possibly half the patients in that institution would be registered at polls outside the city; are they going to be allowed to vote; or, why should not they be allowed to vote just as well as patients in there from Swift Current?

Mr. HEAPS: As I said, you would have 50 different constituencies represented in some hospitals.

The CHAIRMAN: You would have three or four different constituencies. There would be three different constituencies there.

Mr. McINTOSH: The way it reads now it is only for "permanent patients."

The CHAIRMAN: Mr. Castonguay suggests that it should be left the way it is, leaving him the power to establish a poll where it seems desirable.

Mr. GLEN: That is all right.

Mr. HEAPS: I would perhaps go so far as to establish polls in large old folks' homes and similar institutions.

The CHAIRMAN: That is done now.

Mr. McINTOSH: That is quite right.

Mr. MACNICOL: Does Mr. Castonguay means a travelling poll?

Mr. CASTONGUAY: Yes, for a poll from bed to bed and from room to room.

The CHAIRMAN: Order, order, please.

Mr. CASTONGUAY: The hospital is laid out as a polling division and there is a special list made for the hospital, and the persons voting at this poll are only such persons as are qualified to vote at the hospital.

Mr. HEAPS: You mean, in that polling division in which the hospital is located?

Mr. CASTONGUAY: Yes.

Mr. TURGEON: Is this suggestion designed to restrict the provision to large centres, or does it apply to any place at which the returning officer may deem it desirable to establish such a poll?

The WITNESS: I will read the suggestion again:—

> That provisions should be made for the establishment of a floating or travelling poll for the taking of the vote of bed-ridden patients in large hospitals for permanent patients."

Mr. MCINTOSH: If you leave it the way it is how are you going to distinguish between a permanent patient and others? Supposing a man is only there for two or three weeks, he may be there on election day?

The CHAIRMAN: Mr. Jean, I would like to ask you a question there; were the arrangements made by the Chief Electoral Officer in your constituency in this respect satisfactory to you?

Mr. JEAN: It was satisfactory to me. Those who could vote in the hospital voted, but those who could not, who were not qualified, were not able to vote, and some of these had been there for six or eight years.

The CHAIRMAN: In this particular case did you make any special representations to the Chief Electoral Officer?

Mr. JEAN: The only thing I did was to ask for the preparation of lists in the hospital. On election day the deputy returning officer at this poll asked me if he could walk from bed to bed with his books and register the voters, and I told him I did not think he could do that.

Mr. HEAPS: What percentage of the people in that hospital really voted?

Mr. JEAN: I would say about 20 per cent.

Mr. HEAPS: That is, only those who were well enough to get down to the poll?

Mr. JEAN: Yes.

Mr. HEAPS: How many were there on the list?

Mr. JEAN: There were about 800.

Mr. HEAPS: And how many voted?

Mr. JEAN: Around 200.

Mr. HEAPS: Personally I think it is a very dangerous thing to take the polling box around from bed to bed.

Mr. MCINTOSH: That would be a "travelling democracy."

Mr. JEAN: I have another illustration—

The CHAIRMAN: Order, order, please.

Mr. MACNICOL: I would suggest that we leave that over for further consideration.

Mr. MCINTOSH: I think it is deserving of some consideration.

(Stood over.)

The CHAIRMAN: How many more of these suggestions have you on your list, Mr. Butcher?

The WITNESS: I think there are about eight more.

The CHAIRMAN: All right, proceed please.

The WITNESS: The next suggestion is:—

> That when in an election the number of candidates exceed ——— the ballot boxes used shall be twice the size of those ordinarily used. (Verdun in 1935 is an example of the necessity of this provision.)

Mr. Wermenlinger, I understand, desires to speak in support of this proposal.

Mr. WERMENLINGER: I take the responsibility for that proposal. At the last election there were eleven candidates in my constituency and unfortunately we had a recount—or fortunately—and when it came to opening these ballot boxes in front of the judge they had to dig and scrape to get them out, and when the ballots were presented to the judge for him to examine discrepancies in not a few cases the candidates or their legal representatives would claim that ballots had been torn or mutilated and that to a certain extent was an invasion of the secrecy of the ballot. It was natural for the judge to think that in the circumstances in view of all the "foot-balling" that these ballots had gone through. The several envelopes and books of the polling division had been stuffed in the top of the box three or four times—when the poll closed the D.R.O. opened these boxes in his own office and when he was through counting he had to put the material back in them again. Later they were brought to the court house where they were opened up once more. That is the reason for my suggestion to Mr. Butcher that provision should be made for a certain number of ballot boxes for use in constituencies where a large number of candidates are seeking election. Take in this instance, you will readily appreciate how difficult it is to accommodate the necessary number of ballots in a box of the ordinary type where each ballot has eleven names on it. Not only do the boxes have to hold all the ballots, but other material as well, such as literature pertaining to instructions, envelopes and other things; and when a poll closes late it only adds to the difficulty. In addition to that if it becomes necessary to have a recount there is the chance of a candidate becoming disqualified on purely accidental grounds.

Mr. MCINTOSH: What difference would the number of candidates make, it would be the number of ballots I would think.

Mr. WERMENLINGER: The ballot itself is that long (indicating), Mr. McIntosh; and it had eleven names on it. I would suggest also that the size of the opening should be increased because in this case it was the cause of considerable trouble; as a matter of fact that was one of the reasons why the returning officer had to travel all over the constituency that morning, there were arguments and scrapping in several of the polls on account of that. Of course, the opening should be in proportion to the size of the box; but there should be some provision with respect to these unusually long ballots.

The CHAIRMAN: I think, gentlemen, that can be very well reconsidered when we have that clause of the act before us; because if the act defines the size of the ballot box there should be some discretion given to somebody in that section for a purpose such as this.

Mr. MCLEAN: You would need to have special ballot boxes.

Mr. WERMENLINGER: There is no means of telling what the number of candidates in the next election will be.

Mr. MACNICOL: There is an argument there, Mr. Chairman.

Mr. MCINTOSH: Where a ballot is that long it is clumsy.

(Stood over.)

The WITNESS: The next suggestion is:

All illiterate people should be dropped from the list of electors.

Mr. MCINTOSH: Where are you going to draw the dividing line?

(Negatived.)

The CHAIRMAN: We will probably get through these by one o'clock the way it looks now.

Mr. MACNICOL: A lot of very able men are illiterate.

The WITNESS: Next on the list is the following:

Taking voters to the polls by the workers of any political party should be prohibited, with certain reasonable exceptions.

Mr. MACNICOL: What is that, again?

The WITNESS: The suggestion is:

Taking voters to the polls by the workers of any political party should be prohibited, with certain reasonable exceptions.

The CHAIRMAN: I think we can take that as being negative.

(Negatived.)

The WITNESS: A member suggests:

Where transfer certificates are granted notice of same should be sent to candidates.

Mr. WERMENLINGER: I understand the candidates are asking for these transfer certificates.

Mr. MACNICOL: What is back of that, Mr. Castonguay?

Mr. CASTONGUAY: In view of the fact that records of transfer certificates are kept, I do not think that this suggestion should be adopted.

Mr. MACNICOL: The candidate would not have time to look at them anyway.

Mr. CASTONGUAY: I think that the record which the returning officer keeps of the transfer certificates should be made available for the inspection of the candidate or his representative.

Mr. MCINTOSH: That is right.

Mr. TURGEON: We have already passed a motion for that, haven't we?

(Negatived.)

The WITNESS: A member suggests that the returning officer should be required to instruct all deputy returning officers to phone or wire the returns at the close of the poll, at the expense of the government.

Mr. ROBICHAUD: The telephone companies would like that.

Mr. CASTONGUAY: In my report on the 1935 general election, I dealt with that suggestion myself as follows:—

Collection of Election Returns by the Returning Officers on the Evening of Polling Day.—As the law now stands, there is no provision enabling the returning officers to ascertain the result of the poll in any polling station until the opening of the ballot boxes at the final addition of the votes. On election night, it is always a source of disappointment for the public and the press to be unable to secure the state of the poll from the returning officers. At past Dominion elections, the returning officers have been practically helpless in the matter since they had no authority to incur any expense to collect the results at the various polling stations in their electoral districts. These results have generally been collected by the political organizations at great duplication of costs. Whenever there are four candidates running in an electoral district and the contest is fairly close, it means that the political organization of each of these four candidates has to pay for telephone or telegraph messages from each polling station in the electoral district. It means also that the figures of the votes polled are compiled in four different places and invariably with different totals. At each general election there are always some electoral districts where, during a period of as long as two weeks, it has not been possible to ascertain the real result of the voting.

I think that some amendment should be made in the Act directing the returning officers to collect the results of the polling stations on the evening of the election. In rural polling divisions and in each locality away from the place of residence of the returning officer, the deputy returning officers should be directed to advise their returning officers of the result of the voting at their respective polling stations. The returning officers should be directed to record these figures on a chart as they are received and keep the chart available for inspection by candidates or their agents and the press at all reasonable times until the final addition of the votes. In large cities and in places where the office of the returning officer is located, the deputy returning officers should be directed to prepare a special statement of the votes polled at their respective polling stations and to hand this statement to the returning officer on election night when the ballot box is brought to the returning officer's office.

Mr. TURGEON: I am rather with the suggestion. But what would you do in the case of a poll that is some considerable distance from the telegraph office or telephone office?

Mr. CASTONGUAY: The deputy-returning officer would be advised to send word of the result of the polling at this polling station as soon as possible to the returning officer.

Mr. MCINTOSH: The idea would be to go to the nearest telegraph or telephone office and phone or telegraph.

Mr. CASTONGUAY: Yes.

Mr. TURGEON: You take care of his expenses incurred in reaching the telephone or telegraph?

Mr. CASTONGUAY: He has to incur expense anyway to deliver his ballot box.

Mr. TURGEON: Not on the night of the election, he would not. I like the suggestion. But I do not want to have, after the next election, a lot of fellows writing in saying that they were instructed to drive 30 miles to town and wanting to get paid for it.

Mr. CASTONGUAY: Invariably in those cases they would have to drive 30 miles the next day anyway to deliver their ballot box. They have to deliver it at the nearest post office or railway station.

Mr. TURGEON: They are paid for that now?

Mr. CASTONGUAY: They are paid for that now. The adoption of this suggestion would mean that a semi-official result of the vote, would be kept by the returning officer. The cost would not amount to very much. It would not amount to any more than the amount now paid by each political organization.

Mr. TURGEON: As long as you do not put in a penalty on the D.R.O. for failing.

Mr. MACNICOL: I cannot understand the necessity for it at all.

Mr. MCINTOSH: You are living in an urban riding.

Mr. CASTONGUAY: It is not necessary in an urban riding.

Mr. TURGEON: It was 4 days after the election before I knew whether I was in or out. I rather agree with your suggestion, although I do not want costs piled up on the government, nor would I like the returning officers to be subject to penalty for not doing that. Perhaps they would not understand it.

Mr. CASTONGUAY: My experience is that deputy returning officers are always very anxious to announce the results of the voting at their poll, and would co-operate very gladly if some such provision were made.

The CHAIRMAN: I think a clause could be drafted there which might not involve very much expense.

Mr. TURGEON: Yes. I think perhaps it could, too. And more particularly, with no penalty on some far-away returning officer who cannot do it. I have some who are pretty far removed from facilities of any kind.

Mr. MCLEAN: I think if the suggestion is adopted, the chief electoral officer ought to have discretion to have it applied only to the ridings where large distances are involved, not the ordinary riding, the riding partly urban and partly rural. I would not like to see anything included in the act that would involve, or not exactly involve expenditure, but allow officials to do something for which they think they are going to be paid, like the constable question now. I think if that suggestion is adopted it ought to apply only in those ridings where it is necessary.

The CHAIRMAN: I think that possibly should be reconsidered, and that a draft clause might be drawn up which will cover the situation, and let us discuss it from that standpoint.

Mr. TURGEON: The chief electoral officer might draft a clause.

The CHAIRMAN: Yes.

Mr. CASTONGUAY: All right.

Mr. MCINTOSH: The chief electoral officer is acquainted with it.

Hon. Mr. STIRLING: It needs very careful regulation, I think.

The CHAIRMAN: Yes.

Mr. MCINTOSH: I think it could be done. I think the idea is a good one, and perhaps would not cost very much.

The CHAIRMAN: I know myself in the last election we did not get the returns from a few polls for days and days afterwards. There was some mix-up somewhere.

Mr. MACNICOL: Your majority was so big, that, after the first ten polls came in, you did not need to care about the others.

The CHAIRMAN: You like to know just how it is.

Mr. CASTONGUAY: In the electoral district of Pontiac, the victory was claimed by two candidates for two weeks, but if the proposed system had been in use, the returning officer's figures would have been accepted.

Mr. MCINTOSH: Just imagine the position a government would be in, if its fate depended on that man's election or non-election.

(Stood over.)

The WITNESS: A member suggests that there should be a uniform system of voting in all elections, but I think in his letter he said federal, provincial and municipal elections. Voters should vote with numerals.

Mr. MCINTOSH: Numerals, did you say?

The WITNESS: Yes.

Mr. MCINTOSH: A lot of the electors would not know how to use numerals.

Mr. TURGEON: You mean instead of the "X"?

The WITNESS: I suppose that is the idea. I tried to get in touch with this member but was unable to do so.

Mr. MCINTOSH: The old "X" idea is fine.

(Negatived.)

The WITNESS: Mr. Chairman, we have only one more suggestion made by a member with regard to the amendment of the Election Act, and that was already brought up this morning; It suggests that the returning officer on polling day stay in his office? Do you wish to take that up now?

The CHAIRMAN: No. That is already held over.

[Mr. Harry Butcher.]

Mr. MACNICOL: Then we will adjourn.

The WITNESS: May I make a further statement? We have still about fifteen suggestions made by election officers, fifteen of probably 35 or 40. These particular 15 I have discussed with Mr. Castonguay and he thinks they might well be brought before the committee.

Mr. MACNICOL: We will take them up at the next sitting.

The CHAIRMAN: I was wondering, these coming from the election officers, if it might not be well now to have typed or mimeographed or something of that kind, those suggestions that are held over, together with those suggestions made by the election officers, and let each member of the committee get a copy, so that we can then begin to discuss them and dispose of them.

Mr. MCINTOSH: That is a good idea.

The WITNESS: In addition to that, if I might mention it, we have about 10 suggestions from franchise officers and about 10 from members, relating to proposed amendments to the Franchise Act.

Mr. MACNICOL: Put them on the same thing.

The WITNESS: There is one exceptionally important suggestion I think perhaps I should mention here. I think if this one is discussed, it would be unnecessary to discuss the others. Thirty-nine members, in writing or verbally, have suggested to me, or asked me rather, to bring before the committee the following suggestion: "That the Franchise Act should be repealed, and the franchise provisions embodied in the Election Act."

Mr. MACNICOL: Is that not the intention anyway?

The WITNESS: I don't think it has been decided by the committee.

The CHAIRMAN: It has not been decided.

The WITNESS: But that is one question that perhaps the committee might consider it advisable to have discussed before the other suggestions made by members with regard to amendments to the Franchise Act are considered.

Mr. TURGEON: That only gets away from the two acts. It does not make any change in the franchise provision.

The WITNESS: In some cases the members making this suggestion amplify it and state that we should revert to the 1930 procedure.

Mr. MACNICOL: The former Elections Act.

The WITNESS: Yes. I take it that the sense of the suggestion in each case is practically the same.

The CHAIRMAN: In connection with getting these suggestions that are held over printed, would it not be well to have all the franchise suggestions made by the officials included?

The WITNESS: Yes.

The CHAIRMAN: Have them printed with the rest, so that we have got them all.

Mr. TURGEON: You will see to that?

The CHAIRMAN: We will try to have these all printed and put in our proceedings, in order to have them before you for the next meeting. There are a number of committees sitting, and 4 of our committee are on the Farm Implement Committee. I will see the chairman there and see if we can avoid clashing with other committees, so you will get your notice for Tuesday probably, if we can arrange it.

The committee adjourned at 12.55 p.m. to meet again at the call of the chair.

HOUSE OF COMMONS, Room 429.

February 16, 1937.

The Special Committee on Elections and Franchise met at 11 o'clock, A. M. Mr. Bothwell, the chairman, presided.

The CHAIRMAN: Gentlemen, will you please come to order. You have before you a list of suggestions that you were asked yesterday to consider. I have gone over some of them this morning along with Mr. Butcher, and there are a number of them that can be grouped together. There is no use of our wasting any time on them until they are put into groups. For instance, numbers 1, 2 and 3; number 1 we disposed of at the last session of the house, and we may simply wish to put through a motion in connection with it in making our report this year, unless some member has some other matter to bring up in that connection.

Mr. WOOD: In that regard, in connection with some of these that you say we have disposed of—we have not actually disposed of any of them, have we?

The CHAIRMAN: We disposed of the first one at the last session of the house.

Mr. MACNICOL: And reported it to the house.

The CHAIRMAN: Yes. And the report was adopted by the house.

Mr. WOOD: I did not quite understand that.

The CHAIRMAN: In any event, it is referred to us again this year, and we will have to dispose of it again this year. In the meantime, however, I think we had better get through the balance of the reference before we touch that. Numbers 2 and 3 on this list deal with the question of compulsory voting, and there are a number of other suggestions throughout these pages that also deal with the same thing, which should be grouped together. We will have a field day one of these days in order to discuss this question. Coming to the fourth one, which is, I think, possibly one of a number that we can dispose of this morning, it reads:—

> A candidate's expenses should be limited by law to a certain amount per head of the voting population of the constituency in which he is running.

It seems to me that question can be discussed and disposed of.

Mr. JEAN: The amount to-day is $1,000.

The CHAIRMAN: I beg your pardon.

Mr. JEAN: What is the amount to-day?

Mr. FACTOR: There is no amount.

Mr. BUTCHER: There is no limit at all.

Mr. JEAN: There is no limit at all?

Mr. BUTCHER: Not in Canada. May I give some information, Mr. Chairman?

The CHAIRMAN: Yes.

Mr. HARRY BUTCHER, called.

The WITNESS: Mr. Chairman, I have made some study on the question of candidate's expenses in other countries. I find that in Great Britain, Australia, United States of America and South Africa the candidate's legitimate expenses are limited in every case.

By Mr. Factor:

Q. They are limited?—A. They are limited. In Great Britain, a candidate is limited to seven pence per elector in a county, five pence per elector in a borough returning less than three members, and four pence per elector in a borough returning three or more members.

By Mr. MacNicol:

Q. There is no such borough as that in England?—A. I beg your pardon.

Q. There is no such borough as that in England returning three members or more?—A. No. But that is the law relating to it. I am quoting the law on the subject. In Australia, in a senate election a candidate's expenses are limited to 250 pounds; in an election to the House of Representatives, 100 pounds, and the expenses are restricted to: (1) Printing, advertising, publishing, issuing and distributing addresses by the candidates, notices of meetings; (2) Stationery, messages, postages and telegrams; (3) Committee rooms; (4) Public meetings and halls therefor; (5) Scrutineers.

In the United States of America, in the election for a senator, the candidate is restricted to expenses of $10,000 or 3 cents per vote cast at the next preceding election, but not to exceed $25,000 in the election of a representative for Congress, the candidate is limited to $2,500 or 3 cents per vote cast at the next preceding election, but not to exceed $5,000. But if the limitation placed by the state for state elections is lower, then the lower rate prevails. I made inquiries with regard to three or four states, and I found, for instance, that in Ohio, a candidate for Congress may spend $2,000 on his election. There are, of course, in many of the states restrictions on the amount of money that may be spent at a primary to secure nomination. In Wisconsin a candidate for senator is limited to $5,000 at the primary election.

Q. Is that for state senator or federal senator?—A. State senator. A candidate for senator may spend $5,000 to secure his nomination and $2,500 to secure his election. A candidate for representative may spend $1,750 for his nomination and $875 for his election expenses. In Massachusetts a candidate for senator may spend $5,000 in order to obtain nomination, and having secured nomination he may spend up to $10,000 on his election. A candidate for representative may spend $3,000 in order to obtain nomination and $6,000 to secure his election.

In South Africa a candidate's lawful expenses may include expenses in connection with: One central committee room and one committee room for each polling district; one election agent and four sub-agents within the division; two polling agents at each polling station; one clerk and one messenger for each polling station; and he may pay for gasoline for motor vehicles used by or on behalf of a candidate to carry voters to and from the polls. But the total expenses (not including personal expenses) must not exceed:—Where the number of voters on the list of voters for the division does not exceed 5,000—500 pounds. Where the number of voters exceeds 5,000—an additional 5 pounds for every 100 voters.

By the Chairman:

Q. Under our act at the present time a candidate is limited in his own personal expenses to $1,000?—A. Yes.

Q. Anything above that must be expended by the official agent?—A. Yes.

Mr. FACTOR: There is no limit.

The CHAIRMAN: No limit?

Mr. FACTOR: To what the agent may expend.

By Mr. Factor:

Q. How are those expenses in the various countries certified? I mean, does the candidate have to make an affidavit?—A. Yes, in every case.

Q. In every case?—A. Yes.

Mr. MACNICOL: Every one knows that in the United States, and the various states that Mr. Butcher has been reading about, the election of state senator or state representative or federal senator or federal congressman costs many, many times more than the amount set out there.

Mr. FACTOR: In one case $200,000, I think.

Mr. MACNICOL: I doubt very much if a federal senator in New York or Pennsylvania gets off with $200,000.

By Mr. Jean:

Q. What is meant by candidate's expenses?—A. In every case they are practically the same. The expenditures that may be lawfully made are practically the same in all those countries as in Canada. There may be some slight variation. For instance in the case of South Africa, a candidate may pay for gasoline for motor vehicles used for various purposes in connection with the election.

Q. For his own transportation?—A. Yes, for his own transportation and for the transportation of voters to and from the polls. But in all the other cases, the legitimate expenditures are practically the same as in Canada, the purposes for which money may be lawfully expended.

Mr. FACTOR: Have you got the form that the candidate's agent fills out as to the various items of expenditure?

The CHAIRMAN: It is in the Act.

WITNESS: Pages 172 to 175.

Mr. MACNICOL: This suggestion number 4 does not merely refer to the candidate's personal expenses. I rather understood it as referring to the expenses of the election.

The CHAIRMAN: Total expenses; I think that is what it refers to.

WITNESS: Yes.

Mr. FACTOR: Mr. Chairman, I see that according to the present act you are allowed to pay for the hire of premises, for services rendered, travelling expenses and hire vehicles, goods supplied, advertising.

Mr. MACNICOL: Hire of vehicles?

Mr. FACTOR: Yes.

Mr. MACNICOL: Not for the conveyance of voters?

Mr. FACTOR: No, not for the conveyance of voters. But suppose you hire a truck for open air meetings—that is permissible.

Mr. MACNICOL: Oh, yes. Personally I do not see very much wrong with our present law. If we start amending the portion that refers to expenses we are more likely to increase the cost of elections than to decrease it.

The CHAIRMAN: Is there any difficulty you know of?

Mr. MACNICOL: At the present time we are not allowed to pay for scrutineers, and we are not allowed to pay for the conveyance of voters to the polls. I for one would object to either one of those sections being amended to allow for paying the scrutineers or paying for the conveyance of voters to the polls; because if you

open it up to allow for that, our organization would merely force us to do it. There would be a very large increase in the cost of elections.

An Hon. MEMBER: It is done.

Mr. MACNICOL: It may be done and all that, but the average voter does not know it.

Mr. GLEN: Who submits this question, Mr. Chairman? Can we get to know that? If there is any member here who has some particular reason why this should be increased or limited, I would like to know the reason for the change in the present act.

The CHAIRMAN: I do not know whom the suggestion came from.

Mr. MACNICOL: For instance, Mr. Chairman, suppose the resolution were adopted—using my riding as an example—limiting the amount to be spent per voter. If I remember correctly, there are approximately 40,000 voters in my riding—not population, but 40,000 on the list. If we had a limit of 10 cents a head on those who are on the list, that would make a limit in my riding of $4,000, or at 5 cents a head, $2,000. It would suit me better if you got it down to 1 cent a head.

The CHAIRMAN: Mr. Butcher has just drawn my attention to this fact—and I think it is all right to mention it—that it was Mr. Stevens who made the suggestion. He is not here, and it might be advisable to hold it over.

Mr. GLEN: Yes; leave it over until he can give us some reason.

The CHAIRMAN: All right.

(Stood over.)

The CHAIRMAN: The next suggestion is:

> Election day should be a public holiday—(*a*) Or at least from 1 p.m. till the close of poll.

Mr. JEAN: Would you say it should be compulsory?

Mr. MCINTOSH: Why should we have another holiday on election day?

Mr. BRUNELLE: Because those who are working on that day would be free to go and vote.

Mr. MACNICOL: The present act allows time for a man to go from his place of business to the poll.

Mr. MCINTOSH: If a man is anxious to go and vote, I think he will get to the poll whether it is a holiday or not. If you make it a holiday, I do not think it will make it easier for him to get out and vote.

The CHAIRMAN: Section 47 of the act is:—

> 47. (1) Every employer shall, on polling day, allow to every elector in his employ at least two additional hours other than the noon hour, for voting, and no employer shall make any deduction from the pay of any such elector nor impose upon or exact from him any penalty by reason of his absence during such hours.
>
> (2) This section shall extend to railway companies and to the Government Railways and their employees, excepting such employees as are actually engaged in the running of trains and to whom such time cannot be allowed without interfering with the manning of the trains.

Mr. MCINTOSH: They have the advance poll, for all those people you mention there. They can vote at the advance poll.

Mr. MCCUAIG: The advance poll only applies to those who can state they are going away on the day of the election.

The CHAIRMAN: And whose ordinary business takes them away.

Mr. MCCUAIG: Yes.

[Mr. Harry Butcher.]

Mr. McLEAN: It only applies where the advance poll is established.

Mr. JEAN: I understand the main reason that this suggestion has been made was to prevent some employers from impressing upon their employees not to vote. With the law as it is now they may say to their employees, "Well, of course you can go to vote. I must not stop you from going to the poll. But if you are going to vote, I do not like it." This suggestion has been made with regard to a public holiday on the day of election, and if it is not a compulsory holiday, it means nothing.

Mr. McCUAIG: If we had a public holiday there would be a tendency for people to go away visiting rather than stay home and vote. I understand in Toronto—Mr. MacNicol tells me this—when they have their civic elections, they have them on New Year's Day, and the percentage of the vote is only about 30 per cent.

Mr. MACNICOL: Up until last year, that was. The elections were held on New Year's Day, and New Year's Day, of course, was a holiday. It did not seemingly increase the number of the vote. The percentage of voters in the municipal election is often very small, even with a holiday.

Mr. FACTOR: I do not think the creation of a public holiday would help in any way to get more voters out. But I do believe this, that somehow that section of the act should be strengthened regarding compelling employers to allow their employees out to vote. I know under the present section as it is—and I can speak from certain personal experience—some employers will not allow their employees to go out and vote during working hours; and if we can amend it in some way—

The CHAIRMAN: There is no penalty in the act for an employer who does that.

Mr. CASTONGUAY: No.

Mr. McINTOSH: Is that very general in large centres like Toronto?

Mr. FACTOR: Well, it is pretty general. They hate to see them leave their work. There is also another problem. Many of them work on piece work, as you know, and they hate to leave their work to go out and vote. I should like to see the act amended so as to say set aside two or three hours for voting purposes, and make it compulsory, with penalties attached for the effective carrying out of the provision. I do not know whether that is practical or not.

Mr. SINCLAIR: Did I not understand from what you read out, Mr. Chairman, that there were two hours set aside for the noon hour?

The CHAIRMAN: No. Two hours in addition to the noon hour, but it does not say at any particular hour of the day.

Mr. SINCLAIR: That would give them time enough.

Mr. FACTOR: That is very ineffective. I do not think there are any penalties attached to violation of it.

The CHAIRMAN: No. I was wondering if that might not be strengthened.

Mr. McINTOSH: I think Mr. Factor's idea is a good one. I think something should be done, and I believe that is the solution to this question we have before us now.

The CHAIRMAN: Still, to set aside a couple of hours during the day in a place like Toronto—I should imagine that certain polls there would be crowded with people during those two hours; and you could not get them all to vote, or have them all turn up during the same hours.

Mr. MACNICOL: As a matter of fact, in most industries in Toronto the workers are allowed to leave for their homes two hours prior to the regular closing time. If a plant is operating on a schedule that ends at 5.30, they

are allowed to go at 3.30. Every workman is thoroughly conversant with the fact that he has two hours off to vote, with pay; and my experience is that they take their two hours off to go home and vote. A plant closing at five o'clock, normally, would allow their men or operators to go at 3 o'clock. I do not see very much advantage in a city like Toronto to people being allowed two hours extra at noon. The workman would not go home at noon. He is too far away from his house, as a rule—not all, but many of them. Those living in the west end and working in the east end would not go home to vote at noon. Those employees, girls and young men, downtown in the big buildings usually rush out and get lunch and rush back in again. They would not likely go home at noon at all. I believe most of them use the last two hours of the regular day. But I appreciate what Mr. Factor said, that perhaps the fact that they are entitled to two hours is not known by as large a number of people as it should be; and perhaps if offices, office buildings and factories were compelled to place on their order boards throughout the plant the fact that they are entitled to two hours to vote, it would attract their attention to it and would perhaps encourage a larger number to go and vote. Our main problem should be to try to encourage the greatest number possible to vote.

By the Chairman:

Q. What happened in other countries, Mr. Butcher? Did you learn anything from other parts of the Empire?—A. No.

Q. Or states of the Union?—A. No.

Mr. GLEN: Mr. MacNicol, if the law were made that the works or plants should close two hours prior to the closing of the poll, and make it compulsory, would that meet the situation?

Mr. MACNICOL: They are closed quite a while ahead of that. The polls do not usually close until 7 o'clock.

Mr. GLEN: Six o'clock.

Mr. MCLEAN: I do not think it would be wise or practicable to name any certain hours at which all plants ought to close, because conditions vary so greatly. In some of the smaller towns, the smaller industries arrange that their men go out in relays. There is no difficulty at all in the dozen or so factories in our town. They arrange that the men go out in relays. It might be a real hardship if those factories were all compelled to close down for two hours. For instance, take electric furnaces. They just could not close down. The men have to be there.

Mr. MACNICOL: Or iron foundries.

Mr. MCLEAN: The employees have to be there, and the men have to go out in relays. So far as making it generally known that the men have this privilege, surely with all the election workers we have at election time, it is a very easy and simple thing for us condidates to make it very generally known that the men have that privilege of taking two hours to vote. I think the remedy lies with us ourselves at election time.

The CHAIRMAN: The only question that worries me in connection with it is the situation suggested by Mr. Factor, that an employer can make it generally known among his employees that he would just as soon they did not go out to vote; there are a lot of them who will refuse to go under those circumstances.

Mr. MCLEAN: It is very easy for a candidate, especially for a candidate on the opposite side of politics to the employer, to give plenty of publicity around that factory to the fact that these men are entitled to the two hours, and make things very uncomfortable for that man.

Mr. MCINTOSH: Still, they might make things very uncomfortable for some of the employees, too; and that would be a very serious matter.

By Mr. MacNicol:

Q. Was it a member who asked for this change?—A. I am not sure about that. It is asked for—yes, one member; one member, I remember, and by the railway men's association.

Mr. PURDY: Would not this be a case where we could defer decision until we decide on the stand we are going to take on the compulsory vote? If we recommend that, all discussion here would be for naught.

The CHAIRMAN: I do not know. It struck me that we could consider this question anyway, whether we have compulsory voting or not.

Mr. MACNICOL: To bring it to a head. I move that the act remain as it is in this particular.

Mr. MCCUAIG: I will second that.

The CHAIRMAN: Is there any further discussion?

Mr. WOOD: I am inclined to take the view that there could be amendments. There is no reason why there should not be a penalty placed upon that particular portion of the act as well as others, to give people an opportunity to register their opinion. I do not like the idea in any way of anything being left in the act which would lend itself to one particular man, by virtue of his position in a corporation, influencing a group of 100 or 200 men, or making it embarrassing, as Mr. McIntosh said, for their men. There should be every opportunity given for free expression of opinion, without any embarrassment to anybody. I believe that there should be a few teeth put into it in order to endeavour to implement that.

The CHAIRMAN: You are suggesting that a penalty be added for any restrictions placed by an employer on his employees going out to vote.

Mr. WOOD: Yes. You know the seriousness of intimidation, even. It is a criminal offence. Why should it not apply as far as what Mr. Factor has drawn our attention to?

The CHAIRMAN: I hardly think we meet the situation even by imposing a penalty, because it is more a matter of the psychological effect on the individual of what he knows his employer thinks.

Mr. MCLEAN: It would be interesting to know whether the members generally find that people are prevented from voting by the attitude of the employers. I have not found it so.

Mr. MACNICOL: Anyone familiar with industry knows that no man in charge of an industry—that is, of a large industry—would dare to interfere in any way with the right of a citizen to vote; and on the other hand, there is not one workman in a thousand who would tolerate it. They are very jealous of their rights, and they go out to vote, as a rule, in the two hours that they are allowed to go and vote in. I have not found any handicap in the present act. I have not any doubt when this was discussed in previous years that other men, sitting where we are now sitting, discussed it from every angle it could be discussed from and arrived at that act. It may not be perfect; but if we start amending it and changing it all around, we are liable to make it worse than it is at the present time.

Mr. MCINTOSH: Intimidation might occur in two ways. It might be direct from the employer. The consensus of opinion in the committee appears to be that that is not the case, that that is not generally true. But it might occur in another way, indirectly through a few in the upper positions of the factory or of the industry being given a hint to give the hint in turn to the workers as to what they are expected to do, or what, perhaps, the industry would like them to do or not to do. I do not know, personally, whether there is any truth in this intimidation question or not. But I do know that it has been in the air, as far as public talk has been concerned, for decades, that such and such

a place and such and such an industry did intimidate its employees, did tell them what to do and in some cases what not to do. If that is the case, it is a very serious matter; and surely we as a committee sitting on a question of this kind ought to devise some means by which it should be stopped once and for all.

The CHAIRMAN: That is not the question that arises in this suggestion. This suggestion is that we establish a public holiday for a portion of election day either the whole of it or a portion of it; and the question of the intimidation that you bring up does not come under this. We deal with that under a different section.

Mr. MCLEAN: Does Mr. McIntosh mean by intimidation the endeavour to influence employees' vote, or does he mean the effort to keep them from voting? They are different things altogether. It is quite within the rights of any man, whether he is employing men or not, to try to point out the advisability of voting for this, that or the other candidate or policy. That is a right which you cannot take from any man. However, it is another thing to try to prevent a man from voting. I do not think there is any doubt at all that men employing men do try to influence them to vote one way or the other; but that is a different thing from trying to prevent them from voting. My experience is that men have ample opportunity to vote.

Mr. MCINTOSH: I think they are quite closely allied in the west: the leader of an industry may not want a number of workers to go out and vote; he may not want them to go out and vote because he has an idea how they are going to vote.

Mr. WOOD: I think Mr. McLean has raised a point that even an employer is quite within his rights to use his influence as a citizen, but when it comes to the point that he wants to use his position to obstruct, then there should be some penalty in case of any violation of that privilege which he enjoys.

The CHAIRMAN: The motion is that the section of the act be not altered by this suggestion.

Mr. WOOD: Personally I would be in favour of adding a penalty to the act as it is now. I do not know whether there is any objection to having a penalty but if this act containing a penalty were posted up in industries it seems to me it would not make things any worse than they are now, and it might help. What are the objections to having a penalty added to the act as it is now?

Mr. MACNICOL: This is a question of having a public holiday on election day; it has nothing to do with this other matter. All we are dealing with now is whether we are going to have a public holiday on election day or not.

The CHAIRMAN: Yes. The section has been brought to the attention of the committee, and we might dispose of that now. If we decide to insert a penalty clause it becomes the duty of this committee to make suggestions in connection with amendments to the Act which we believe advisable.

Mr. MACNICOL: That would come under some other clause.

The CHAIRMAN: Yes. Your motion is quite in order. In disposing of this particular question we could include as a substantive motion the suggestion made.

Mr. FACTOR: I think we are all agreed that the creation of a public holiday would not help matters in any way, but so far as the present section is concerned, it says that an employer shall give every employee two hours to vote. It does not go any further. What if he does not do that? Surely the psychological effect of providing a penalty ought to do some good.

The CHAIRMAN: The motion is that this particular suggestion be negatived.

(Negatived.)

[Mr. Harry Butcher.]

Now, since we have referred to this section, we might as well dispose of the question of a penalty now.

Mr. BRUNELLE: Will you read the section?

The CHAIRMAN: "Every employer shall on polling day allow to every elector in his employ at least two additional hours other than the noon hour for voting, and no employer shall make any deduction from the pay of any such elector nor impose upon or exact from him any penalty by reason of his absence during such hours."

Mr. MCLEAN: I would move to recommend the penalty on any employers who fail to comply with the regulation expressed in that section.

Mr. MACNICOL: The object of the mover is to insure that no employer obstructs a voter from having the two hours to go to vote. I do not think any member of the committee would be opposed to that, but the wording suggests—

The CHAIRMAN: What I am trying to get at is the principle involved; the drafting of the section covering the penalty will be a matter that will have to be disposed of.

Mr. FACTOR: As Mr. MacNicol mentioned a few moments ago the large employer, I think, is conscious of his responsibility and effectively carries out this section, but there are certain small employers who do not, you see, and I think so far as the effect upon those employers is concerned the penalty will go a long way in bringing them to a realization of their responsibilities.

Mr. MCINTOSH: I believe the penalty idea will do a lot to solve the problem and will eliminate a great deal of interference in the future.

Mr. MACNICOL: The difference is that Mr. Factor has in mind the small individual owner who may obstruct or influence.

Mr. FACTOR: Yes.

Mr. MACNICOL: I am quite in accord with preventing him from obstructing or influencing. The large employers are in nine cases out of ten workmen themselves. The presidents are not there, the owners are not there, the stockholders are scattered from one end of the country to the other and the managers themselves are also employees, and those who are engaged in the direction of the affairs of a company are all employees. In those cases I do not think that any of those large companies interfere. There may be the occasional small individual owner who does. I am quite in accord with safeguarding the voters' interests against anyone who tries to interfere with his privilege of voting.

Mr. FACTOR: We could have Mr. Butcher draw a section.

The CHAIRMAN: The suggestion is that a penalty be imposed against an employer who does not comply with section 47 of the Act.

Mr. HEAPS: I am in favour of putting a little teeth into it.

The CHAIRMAN: The motion is that we do insert a penalty.

Mr. WOOD: Do I understand that a section covering this matter will be drafted by Mr. Butcher and submitted later?

The CHAIRMAN: Yes. While it may not come immediately, it is a matter of going through the whole Act, but we will have a penalty provided that will later be submitted to the committee.

The CHAIRMAN: The next suggestion is, I think, No. 8. Suggestion 7, I believe, should be held over. Suggestion 8 reads as follows:—

"The absentee vote should be abolished as costly and ineffective."

Of course, both Mr. Butcher and Mr. Castonguay can give us some information in connection with that suggestion.

Mr. MCINTOSH: In how many ridings have we an absentee vote?

The WITNESS: The information I have came from Mr. Castonguay. In 1935 there were 5,334 votes cast and out of that number 1,533 were rejected.

Mr. MacNicol: Have you the reasons for their rejection?

The Witness: No. Mr. Castonguay may have, but I have only these main facts. 3,801 were declared valid; the cost of printing alone was $16,000; and the total cost of the absentee vote was, approximately, $250,000—or approximately $60 per vote.

Mr. Castonguay: My report after the last general election reads as follows:

> I was also called upon, on many occasions, to express an opinion with regard to absentee voting. This is the first time that there has been absentee voting at a Dominion election. The procedure appeared to be most complicated to election officers and political workers. The right to vote as an absentee voter is limited to four classes of persons, namely, fishermen, lumbermen, miners and sailors actually engaged or employed in any of these occupations on polling day at a distance of not less than twenty-five miles from their ordinary polling stations and in the same province. This limitation gave rise to a lot of dissatisfaction and misunderstanding in most electoral districts and the application of the absentee voting provisions complicated to a great extent the duties of the election officers, which were already intricate enough. Absentee voting was not resorted to to a great extent. There were only 5,334 absentee voter's ballots cast in the whole of Canada on polling day. Of this number 1,533 ballots were rejected leaving only 3,801 valid ballots. Furthermore, the absentee voting procedure was the cause of a considerable increase in the cost of the holding of the General Election. In the first place a large number of blank forms, ballots etc. had to be printed to supply each polling station with a certain number. This printing cost upwards of $16,000. In the second place, a list of the names, addresses and occupations of the candidates nominated in each province had to be furnished to each polling station. Except in the province of Saskatchewan, where there is an interval of two weeks between nomination and polling days in every electoral district, this list could not be printed until after the close of nomination on the seventh day before polling day. For obvious reasons, the list was printed in four different places in the western provinces and it was printed in Ottawa only for the provinces of Ontario, Quebec, Nova Scotia, New Brunswick and Prince Edward Island. The delivery of these lists of candidates necessitated the use of aeroplanes in several electoral districts and it also made it necessary to deliver the ballot boxes by messengers in most rural polling divisions at great cost. Otherwise, most of these boxes would have been sent by mail at parcel post rates. The cost of the application of the absentee voting provisions is not yet available, but it is estimated that it will be close to a quarter of a million dollars. In my opinion, therefore, the result of the last general election shows that absentee voting is a costly, ineffective and complicated procedure which should not be resorted to at any future Dominion election.

Mr. Factor: We might consider suggestions 8 and 9 together and, perhaps, evolve some method to extend the advance poll for the types of men who are covered in 35 by the absentee vote. As I understand it the principal is that a fisherman, miner or lumberman living beyond twenty-five miles of a polling booth was entitled under the absentee vote. Now, we might remedy the matter to this extent, that any one of those classes should be entitled to vote at an advance poll.—sailors and commercial travellers—

Hon. Mr. Stewart: Railway men.

Mr. FACTOR: Yes, railway men. Any fishermen, miner or lumberman. There is a great deal to be said against depriving this type of men from voting because their occupation keeps them away from the poll in which they reside. I have not got anything concrete to suggest, but I do say that we might be able to extend the advance poll so as to cover at least a portion of these men in order to have them record their vote.

Mr. MCINTOSH: I think, Mr. Castonguay, in the last election there were no absentee voting facilities in North Battleford, were there?

Mr. CASTONGUAY: There were absentee voting facilities in every polling station in Canada. Every deputy returning officer was supplied with the necessary material to take absentee voters' ballots if such voters presented themselves at the poll.

Mr. MCINTOSH: I think there were hundreds of votes up there that were never cast at all. The fishermen were away and the hunters were away; they were not at their ordinary polls; all that vote was lost. If Mr. Factor's idea were worked out or made practicable, perhaps that vote could be polled.

Mr. HEAPS: Could Mr. Castonguay or Mr. Butcher give to the committee the main places where the votes were cast? I do not want a list of each constituency; I want the main places—the largest number that were cast.

Mr. CASTONGUAY: Of course, with regard to the absentee vote there was no report made of that vote as cast at any given place. Most of the absentee voting took place in British Columbia.

Mr. MACNICOL: Because they have it in their local elections out there?

Mr. CASTONGUAY: Yes. Take the fishermen from Vancouver who happened to be up north around Prince Rupert or other fishing grounds, they could cast their ballots at those fishing grounds at the ordinary polling station established at the place where that person happened to be fishing at the time—and they were sent forward to the returning officer of the electoral districts to which they belong—in Vancouver or Victoria—but there was no record kept of the absentee vote polled at any particular place in Canada.

Mr. HEAPS: If you haven't any statistics, how can you say that there were five thousand votes cast and fifteen hundred rejected?

Mr. MACNICOL: Following up Mr. Factor's suggestion, would providing the fishermen with the privilege of voting at advance polls eliminate some of the trouble? The advance poll happens some days in advance of the election.

Mr. CASTONGUAY: I do not think it would, because an advance poll is only established in a given place. Let us take the electoral district of North Vancouver. There is an advance poll established there, but the fishermen who happened to be one hundred miles away in the same electoral district could not vote at that advance poll.

Mr. MCINTOSH: Mr. Factor's idea is that they might be allowed to vote even though they left for the fishing grounds if the time which elapsed between the one and the other were not too great. Now, the position is the same in northern Saskatchewan at the poll at Ile la Crosse, 250 miles north of North Battleford. That is a large poll. There is another large poll at Port la Ronge. When the election came off last time these people were up there, but only the ones who were at those polls could vote. Those were the nearest polls. If they were 100 or 150 miles away they had to vote at la Crosse. I do not think they were away very long. It seems to me that they were away less than two weeks before the election.

Mr. HEAPS: How long were they away?

Mr. MCINTOSH: Quite a while. They would not come in for quite a long while. They all lost their vote. Now, that should not be. At other times, if an election is called at a different period of the year, these people may be home and they will all vote

The CHAIRMAN: Two weeks prior? They could not vote then anyway, because the nominations are only two weeks before polling day.

Mr. MCINTOSH: No. It seems to me most of them left two weeks before the election.

Mr. HEAPS: It would seem that whatever election law you try to put into effect, there are always some people you cannot get, and if we are going to attempt to frame our laws to catch everyone we will get so much confusion that we will have to have another election. Personally, I think we should try to simplify things as much as possible. Mr. Factor's suggestion is good and should meet with general approval—try to arrange the advance poll for the next day or so; do not make it as close to the election as we have it now. It is three days before the election now.

The CHAIRMAN: The trouble, Mr. Heaps, is that we have our nominations a week before the election.

Mr. HEAPS: I was coming to that point. I think that the time between the nominations and the election should be a little longer than it is now.

Mr. MCINTOSH: Nomination day and election day in the northern locations are a fortnight apart.

Mr. HEAPS: In some cases it is a week.

Mr. MCINTOSH: If a few days were added to these advance polls the situation might be helped.

Mr. PURDY: By adding a few days to the advance poll we would increase the cost very much, would we not?

The CHAIRMAN: Not to the same extent as the absentee vote.

Mr. PURDY: Advance polls would have to be established.

Mr. HEAPS: My suggestion would be, perhaps, not to make the advance polls as close to the election day as at present. That would mean that our nomination day and election day would have to be more than a week apart, as happens in some cases now.

Mr. MACNICOL: The whole 245 ridings with two additional days would, perhaps, cost only $5,000 extra.

Mr. HEAPS: However, I do think that a quarter of a million dollars for 3,800 votes is beyond reason, and I am inclined to concur with the recommendation.

Mr. FACTOR: I move that we recommend the abolition of the absentee vote; that will dispose of No. 8.

The CHAIRMAN: We have a motion before us. I was wondering, Mr. Stewart—you were on that old committee at the time that this absentee vote provisions was put in the act—have you any recollection of the reason for it?

Hon. Mr. STEWART: I think, Mr. Chairman, that it was in the direction of an experiment because the advance poll is of the same character. It was just an extension of the privilege in the case of persons being absent; and it does not appear to me that it has met expectations, and the difficulty is just this: we try to provide for a few special cases and we impose a burden upon all the rest of Canada. Now, the case cited by the member for Battleford shows, perhaps, a hardship in that constituency, but when we come to legislate for the whole of Canada to meet the requirements of a particular area it seems to me that the expense is altogether out of proportion.

Hon. Mr. STIRLING: It was put forward at that time because of the apparent success which had been attained in British Columbia.

Mr. MACNICOL: And Australia.

Hon. Mr. STIRLING: When it was first introduced in British Columbia it was not well done and it was badly abused; however, it is pretty generally

accepted in British Columbia to-day as a desirable thing. However, the difficulty came in applying it to the Dominion of Canada, and this was served up as something to be tried out, and this is the result.

The CHAIRMAN: The motion is that we repeal the section dealing with the absentee vote.

Mr. MACNICOL: Mr. Factor's suggestion is for one or more days.

Mr. FACTOR: It will come in the next clause.

Mr. CASTONGUAY: I think it is very difficult to add one or more days to the advance polls in the electoral districts where the interval between nomination day and polling is one week. Nomination is held on a Monday and the advance poll cannot open until the ballots are printed, and you have to allow the returning officer a couple of days to get his ballots printed.

Mr. MCINTOSH: I am at a loss to know, if what Mr. Stirling says is true with regard to absentee voting provincially that it worked out all right in British Columbia, why, when we want to apply it federally, it will not work.

Hon. Mr. STEWART: It might be practicable in British Columbia, but when we come to apply it to the whole of the Dominion—

Mr. MCINTOSH: The whole of the Dominion is simply a few northern ridings.

Mr. HEAPS: Oh, no.

Mr. FACTOR: The set-up has to be made for the whole of the Dominion.

Hon. Mr. STEWART: It has to be provided universally and it is not used to a great extent in the greater part of the Dominion.

THE CHAIRMAN: I do not think the absentee vote would ever be made use of by the people to whom you refer. They have gone farther north. The Ile la Crosse and the Porte la Ronge polls are the farthest north polls you have.

Mr. MCINTOSH: La Ronge is in the Prime Minister's riding.

Hon. Mr. STEWART: There is no poll at which they could vote as absentees.

Mr. MCINTOSH: That is the difficulty. They are too far away. The difficulty might be met by the returning officer who knows the country better and who would see that there is a poll farther away that might catch some of that vote.

Mr. CASTONGUAY: The report of the election shows that the result of the British Columbia absentee voting was no more satisfactory than elsewhere. For instance in Comox Alberni there were 290 absentee votes polled and 152 were rejected; in Fraser Valley there were 79 votes polled and 24 were rejected; and in Kamloops there were 82 absentee votes polled and 33 were rejected.

Mr. WOOD: What were the grounds for rejection?

Mr. CASTONGUAY: The main ground for rejection was that the voter, when he presented himself to vote at a distant polling station, did not remember the electoral district where his name was on the list, or he gave the wrong address, and he could not be located when the ballots were counted. They were all familiar with the situation in regard to candidates since a list of the candidates nominated in the province was in every polling station.

Mr. MACNICOL: In the last election he might have voted in east Oxford, but owing to the gerrymander he was voting in west Oxford.

The CHAIRMAN: The motion is that we strike out the provision in regard to absentee voting. Are you ready for the question?

(Abolition of absentee vote to be recommended)

The next suggestion is:—

> The right to vote at advance polls should be extended to all qualified electors who will necessarily be away from their polling division on election day.

Mr. HEAPS: I do not know whether there is any recommendation regarding the length of time that should elapse between nomination and election day, but it has an important bearing. Personally, I think one week is not sufficient; I should like to see two weeks between nomination day and election day. In some of the urban districts it is one week. I do not know why that was put into the act. It makes such a rush at the last moment. I know that in some constituencies it is almost impossible to get hold of a list of electors because the list is not given out until the nominations are duly accepted. It is not fair to some of the candidates who run short. I cannot see why we could not have two weeks in all cases between nomination day and election day. If that were so we would not be compelled to have the advance polls open just on the eve of election as is the case now. If, perhaps, we could have later on a clause put into the Election Act allowing for two weeks between nomination and election day, then, instead of holding advance polls on Tuesday, Wednesday and Thursday, or Thursday, Friday and Saturday, as is done at present, we could make it three or four days, at least, before the holding of the election.

Mr. WOOD: I think that might lend itself to other evils. It seems to me, as Mr. Heaps suggested, that it is impossible to draft an act that is going to take in everybody and every condition of affairs. In my opinion, with the elections being held on Monday, and if we have the week-end, that should take in the great proportion of the travellers and other men who would be at the advance polls. I think, on the other hand, I would be prepared to recommend for consideration the possibility of public payment of supervisors or scrutineers—of two scrutineers at that advance poll as a safeguard and protection. If we are going to broaden the idea to allow more people to use it, it should be safeguarded. There will be the cost of supervision at that poll which, I think, should be maintained at the public cost.

Mr. HEAPS: I am not discussing the question of broadening out the scope of the persons entitled to vote at the advance polls, but rather I am speaking to the question of whether we should not have two weeks between the time of the election and the nomination. I think one week is too short.

Mr. WOOD: It all has its bearing on that question.

Mr. MCLEAN: I think one of the things we have to keep in mind is the old question of the cost of elections, and if you make it two weeks instead of one we make an intensive campaign one week longer, and the whole machinery has to be that much greater. I think the shorter the campaign the better.

Mr. MACNICOL: It would be very difficult.

Mr. FACTOR: In my opinion, the present section granting the privilege of the advance poll is too limited and should be extended. At present the privilege of the advance poll is given only to commercial travellers or persons employed by railways, vessels and airships and to members of the naval, military and air forces of Canada, and the Royal Canadian Mounted Police.

Mr. WOOD: School teachers should be included.

Mr. FACTOR: I think that people who, by reason of their avocation or occupation, are necessarily and legitimately absent from the poll on election day should be given the privilege of voting. I think that according to this recommendation it is too broad: "Right to vote at advance polls should be extended to all qualified electors who will necessarily be away from their polling division on election day." That is too broad altogether, I think; but if a person, by reason of his avocation or occupation must absent himself on election day he should have the privilege of utilizing the advance poll.

Now, related to that is the question of nomination day. If the advance poll is going to be enlarged you will have to extend the time between nomin-

ation day and election day so as to be able to set up effectively machinery at the poll.

Mr. MacNicol: You do not want to do that.

Mr. McLean: I think it would be unwise to broaden the privilege of the advance poll. I think that those who have been connected with elections over a long period of years will agree that the small percentage of people who vote is due to the indifference of the people, not to voting facilities. I believe the voting facilities are adequate, or as nearly as they can be made adequate with a view to keeping the expenditure both to the country and the candidates within reasonable bounds. I think if the members of the committee recall their own experience, the consensus of opinion will be that very few people who really want to vote are debarred from voting, because of conditions that we have overcome by extending the privileges of the advance poll. Take the advance polls that are established in communities where there are very large numbers who, by reason of their occupation, are likely to be away on voting day; and even if you take individual advance polls in your own riding, you will find that the number who avail themselves of that privilege is very, very small. If you commence broadening that out, you are really going to spread the election day out over two or three days. That is what you are going to do, with all the more worry and work and larger organization necessary. As it is now, there is not much organization necessary in connection with an advance poll; because after all, it is limited to a few people. Few people use it. But if you extend that privilege, then you are going to have two scrutineers in every advance poll, and your election instead of being held on one day, is going to be spread over two or three days. I do not think that the selection of the candidates that the people want to represent them is influenced. I do not think that the people are prohibited from expressing their choice of candidates by the limitation of the voting facilities as they stand today; and I think that, considering the extra expense involved in that extension, the extra trouble, the extra worry, the greater facilities for irregularities in voting—when you consider all that, and in the face of that consider the indifference to voting, the indifference to taking advantage of the facilities that we have for voting,—taking everything into consideration, our facilities are quite adequate.

The Chairman: In order to clear the air a little; we disposed of that question, Mr. Heaps, at the last sitting, of having nomination day two weeks before polling day throughout Canada.

Mr. Heaps: What was the suggestion?

The Chairman: The suggestion was that nomination day should be two weeks prior to polling day throughout Canada. That was rejected. Now we are dealing with the question of whether or not the right to vote at advance polls should be extended to all qualified electors who will necessarily be away from their polling division on election day. We also disposed of the suggestion that nurses and teachers and so on should be entitled to vote at advance polls.

Mr. Factor: You mean that was rejected?

The Chairman: Yes.

Mr. McIntosh: At the last meeting.

Mr. MacNicol: It is restricted now to commercial travellers, railway men, sailors?

Mr. Castonguay: Yes.

Mr. McIntosh: It would appear to me that there is discrimination. Why have an advance poll at all, if you are going to base it on discrimination?

The CHAIRMAN: What discrimination do you refer to, Mr. McIntosh?

Mr. MCINTOSH: You are allowing certain classes to vote and others you are barring.

Mr. HEAPS: No. Just the people who cannot be present as a result of their avocations. That is all you are allowing to use it. I would like to ask if you can give us the figures as to how many people took advantage of the advance poll at the last federal election, Mr. Castonguay.

Mr. CASTONGUAY: I have not those figures here. I could bring them down at the next meeting.

Mr. HEAPS: You say you could bring them down at the next meeting. If you are going to do that, would you also bring down the cost of operating the advance polls in the same way as we have the cost here of the absentee vote?

Mr. CASTONGUAY: All right.

Hon. Mr. STEWART: I am opposed to extending the privileges or widening the clause for those who may vote at the advance polls. Let us think where it is going to lead us. You open this door a bit farther, and the next time a little farther, and you will have an election running over 4 or 5 days for all people within the next few years. It does seem to me that in a sense it is cheapening the franchise, and that we are considering compulsory voting, which possibly may have some relation to this. But it does appear to me that if you are going to go much farther, you will have to open the door all the way and say, "Anybody who wants to come in and vote 3 or 4 days ahead may do so." Mr. McIntosh suggests that there is discrimination. That will occur if you open the door much wider, surely. There will be a demand from everybody.

The CHAIRMAN: The section of the act now is:—

> (*a*) Such persons as are employed as commercial travellers or upon railways, vessels, airships or other means or modes of transportation (whether or not employed thereon by the owners or managers thereof) and to any of such persons only if, because of the nature of his said employment, and in the course thereof he is necessarily absent from time to time from his ordinary place of residence, and if he has reason to believe that he will be so absent on polling day from, and that he is likely to be unable to vote on that day in, the polling division on the list for which his name appears.

Mr. WOOD: That is fairly broad.

Mr. FACTOR: No, it is not broad at all. It limits it to commercial travellers, railway men and sailors.

Mr. MCINTOSH: Mainly it does that, but it really goes beyond that.

Mr. WOOD: Yes. There is a qualification there.

Mr. FACTOR: No.

Mr. WOOD: Would you please read that qualification again, Mr. Chairman?

The CHAIRMAN: "Such persons as are employed as commercial travellers or upon railways, vessels, airships or other means or modes of transportation, and to any of such persons only if, because of the nature of his said employment, and in the course thereof, he is necessarily absent. . . ."

Mr. MCINTOSH: That is very limited. I think Mr. Factor's contention is quite right.

Mr. WOOD: I had a case in my particular riding where there were two farmers who wanted to attend a sale in the United States, and they wanted to vote at the advance poll. They were refused. I think that they telegraphed

Mr. Castonguay about it, and I believe his ruling was not to allow them to vote.

Mr. CASTONGUAY: I ruled against it.

Mr. HEAPS: I had the case of a lawyer who had to go away a few hundred miles out of the city. He went down to the advance poll to try to obtain his vote. He was refused the vote because it was claimed that he was not away in the ordinary course of his vocation. He had to go several hundred miles and be away a few days, and he was denied his vote.

Mr. FACTOR: I seem to be in a rather hopeless minority. But I do contend that if a person following a certain occupation is concerned with his responsibility as a citizen and desires to vote, he should be allowed to do so.

Mr. MACNICOL: Would you name any one occupation that is prevented?

Mr. FACTOR: Well, nurses, teachers.

Mr. PURDY: College students.

Mr. FACTOR: Reporters and the like. I had several cases of reporters who were given an assignment out of town, and they were very anxious to vote. I say any person who legitimately, because of his occupation must absent himself and feels in duty bound to cast a vote, should not be denied that privilege. It is not because he runs away on the election day. It is because the circumstances of his business or vocation compel him to leave on election day. He should be given the right of voting if he so desires. I have had dozens of instances in my own riding where men beyond these categories had to leave on business—say a business man who cannot be classified as a commercial traveller, but a business man running his own business.

Mr. MACNICOL: He would have the commercial traveller's consideration.

Mr. FACTOR: No. He is refused the vote because he is not a commercial traveller.

Mr. MCLEAN: Following that argument, suppose we do extend it. The very same logic would compel us to put advance polling back four days.

Mr. FACTOR: No.

Mr. MCLEAN: The same logic would compel us to put it back five days.

Mr. FACTOR: No.

Mr. MCLEAN: He spoke of a reporter who was given an assignment that took him away on election day. Therefore he is permitted to vote on Saturday. Suppose that assignment took him away on a Friday. Suppose it took him away on Wednesday.

Mr. FACTOR: I am not suggesting you extend the days; I say the categories.

Mr. MCLEAN: I know. But the same logic that compels us to extend the categories would compel us to extend the days. If the man is denied the franchise because, on account of his occupation, he is not able to be home on Monday, on voting day, and we do not want to refuse anybody the vote, the same logic would compel us to date the voting day back far enough to take care of that same man if he is going to be away Saturday, Friday, Thursday, Wednesday—indefinitely. You have got to stop somewhere. The same logic would compel you to extend the voting day back indefinitely.

The CHAIRMAN: This is the situation as it appears to me, talking from my own experience; nearly all the applications that I ever had for voting at advance polls were from people who were not entitled to do so, but just as a matter of convenience would like to get their vote in.

Mr. BRUNELLE: Sure.

The CHAIRMAN: They were going on a holiday or something of that kind.

Mr. FACTOR: Just one more word with regard to Mr. McLean's suggestion. I can quite follow his argument, but I am not recommending the extension of

the days during which the advance polls are held. I do say that the advance polls are not very busy. After all, the men who are experienced in looking after advance polls could accommodate a great many more people than they are accommodating at the present time. I am not suggesting myself that just for the sake of convenience people should take advantage of the advance poll. But if I am a business man, and am present in the city on Thursday, Friday and Saturday, and I must leave on Sunday night, say, to go to New York on business, and am very anxious to cast my vote during those three days during which the advance polls are being held, can you give me any legitimate reason why I should be deprived of the privilege because forces beyond my control compel me to leave the city on Monday?

Mr McLEAN: The answer that I would give to that is the same reason that you would give that the vote should be on one day instead of on three or four days—general voting.

Mr. McINTOSH: All right. Have it on one day and have no advance polls whatsoever, and do not give the privilege to transportation men and withhold it from others.

Mr. MacNICOL: Of course, with regard to transportation men—on the Canadian National Railway, their employees number at least 50,000. A great number of these are engineers, firemen, brakemen, mail carriers and so forth. They are in a little different class from the ordinary man because such a large number of them are on their trains.

Mr. McLEAN: I think that is very obvious.

Mr. MacNICOL: Mr Factor spoke of the business man. I say, for all the reasons I brought up some days ago, that if you open it up at all and widen it out, there is no end to where you are going to get to. In the last election, if I remember correctly, there were 3 young men whose names were on the voter's list, and who were being sent to some—I have forgotten what it was, a race track or something like that, and who would be away on election day and perhaps throughout the term of the sporting affair that they were associated with. They came to me to see if I could arrange to have them poll their votes at the advance poll. They all wanted to vote, but they all had to go away by Monday. I can see if you are opening that up, you are going to open it up to that class as well as business men.

Mr. FACTOR: Why should it not be?

The CHAIRMAN: There must necessarily be a number of people who are disfranchised on election day, it does not matter how we enlarge this. What the legislators in the past have endeavoured to do, apparently, is to pick out certain classes who, on account of the nature of their business, are likely to be absent, and try to give that class an opportunity of voting.

Mr. McCUAIG: If we extend it this year, next year we will have some person coming along and saying some person is going to be married on election day.

The CHAIRMAN: What is your pleasure?

(Negatived.)

The CHAIRMAN: The next suggestion we have is:

> 10. Young people coming of age prior to day of election and otherwise qualified, should be permitted to vote on production of birth certificate if vouched for by a resident elector.

Mr. WOOD: It depends on how soon you revise your voters' list prior to an election.

Mr. HEAPS: It is opening up quite a large matter to do this, I think.

Hon. Mr. STIRLING: I think it is quite a serious thing. I think some attempt should be made to provide for the possibility of a young person coming of age a

week after the revision, and the election not coming for 10 months after the revision. In the province of British Columbia they have a monthly revision, and it is largely for the purpose of taking care of those people coming of age.

Hon. Mr. STEWART: It seems to me that you can anticipate a lot of this trouble by providing that any person who applies to be put on the list and who can show that he or she will be of age before election day will go on the list. That is the place to do it.

Mr. MCLEAN: That is a good idea.

Hon. Mr. STEWART: If he can prove that he will be of age and is otherwise qualified, and will be of age before election day, I think he is entitled to go on the list.

Mr. MCINTOSH: That is practically the same. It is more convenient, the way Mr. Stewart suggests it, and it saves time and worry.

The CHAIRMAN: You are assuming, Mr. Stewart, apparently, that the lists are made up before the writs of election are issued.

Hon. Mr. STEWART: I know.

The CHAIRMAN: Because a man could not give any information until after the election has been announced.

Hon. Mr. STEWART: Exactly; until you know the date of the election, which will be two months or something like that. However, if necessary he could apply to the revising authority to be put on.

The CHAIRMAN: I think that possibly, since the question has arisen, this would have to be dealt with with the Franchise Act.

Hon. Mr. STEWART: Exactly.

The CHAIRMAN: With amendments to the Franchise Act.

Mr. FACTOR: Yes.

The CHAIRMAN: I believe that should be held over.

Some Hon. MEMBERS: Yes.

Hon. Mr. STIRLING: Yes. It should be held over for consideration.

The CHAIRMAN: Those things did not occur to me when I picked it out.

(Stood over.)

The next one I think we could dispose of is number 13 which reads:—

> Publication of election returns from east to west should be synchronized, or hours of polling should vary, as for instance—
>
> From ten to eight in Nova Scotia, New Brunswick and Prince Edward Island;
>
> Nine to seven, Quebec and Ontario;
>
> Eight to six, Manitoba and Saskatchewan;
>
> Seven to five, Alberta and British Columbia.

Mr. MACNICOL: There is a great deal in favour of that. At the present time an election held say on the 16th day of October, with the polls closing at 6 o'clock throughout Canada, it merely means that the election is over and counted in Nova Scotia before polling is anything like over in British Columbia; and wires sent out from the east to the west would influence the voting in the west for or against a party or a government. That works both ways. It is a double-edged sword the way it is to-day. I believe there is a great deal to be said in favour of an endeavour in some way to have the voting synchronized throughout the country.

Hon. Mr. STIRLING: In theory I am entirely in favour of this. I am very interested to hear it discussed from the practical point of view. In Vancouver at 3 o'clock in the afternoon a sheet is published giving the earliest results from the east, and unquestionably affecting the voting in Vancouver.

Mr. FACTOR: At 3 o'clock in the afternoon does it start?

Hon. Mr. STIRLING: Three o'clock in the afternoon.

Mr. MCINTOSH: In the two last elections that occurred, did it not—1930 and 1935?

Mr. MACNICOL: Yes. It works both ways.

Mr. PURDY: With regard to the practicability of the suggestion of 8 o'clock for Nova Scotia, it gets dark before that down there in the Fall, when we have our election. It is pretty difficult to expect people to poke around in the dark. The streets are not well lit, and one thing and another; and it is pretty difficult if you leave the polling after dark.

Mr. MCINTOSH: It would be very difficult to get election returns from all parts of Canada at any one point. You would not get very many of them that night, anyway.

Mr. FACTOR: That is another thing.

Mr. MCINTOSH: We would be in the dark until the next day and perhaps a little more; whereas there is a tendency on the part of the people to get the returns as quickly as possible in all parts of the dominion.

Mr. MACNICOL: In the election of 1930, the publication of the Nova Scotia returns did undoubtedly affect the return of the then government's candidates in the west; and in the election of 1935, the publication of the early returns from Nova Scotia did again affect the election or otherwise of the candidates of the then government. It does not make any difference which party it is that is in power.

Mr. FACTOR: I am surprised to hear that.

Mr. MACNICOL: It affects the government of the day, no matter what that government may be, be it "X" government or "B" government; I am convinced of this. We should try to do something in reference to synchronizing our voting, so that irrespective of what party or what government it is that is up for trial on election day, the people everywhere are voting from their best judgment apart from being influenced during the last two or three hours as to whether this party or that party is carrying some other part of the country.

Mr. PURDY: If they followed Nova Scotia right through, they would not very often go wrong.

The CHAIRMAN: In the rural polls, most of the voters would vote in any event during the day time.

Hon. Mr. STEWART: Exactly.

The CHAIRMAN: Where you get into the cities, they have for voting up to 8 o'clock at night.

Hon. Mr. STEWART: It is better for some of them, because there they are working till five o'clock or six o'clock.

Mr. MCINTOSH: Referring to Mr. MacNicol's argument, on the long range view it works out equitably, does it not? In 1930 it worked to the advantage of the Conservative Party and in 1935 things were equalized by it working to the advantage of the Liberal Party.

Mr. MACNICOL: I am trying to dissociate politics from it altogether. I tried to say "X" Party or "B" Party. It makes no difference, providing we can establish some method whereby the vote from one end of Canada is polled to the best judgment of the voters, irrespective of the voting taking place elsewhere.

The CHAIRMAN: Everybody seems to be inclined to favor this. How would it be if we drafted a clause and submitted it to the house?

Mr. HEAPS: I was thinking that some compromise might be reached on this question. I think the hours now might be inconvenient for Nova Scotia,

and it might be inconvenient to close the polls down at 5 o'clock in British Columbia and Alberta, as suggested here. I think it is a little too early.

Mr. FACTOR: Start at 7 o'clock.

Mr. HEAPS: That is possibly too early. I would think if in the western provinces you could close the polls at six—from eight to six—as it is at the present time, and make it from nine to seven in eastern Canada, it might in some way tend to obviate the difficulty that has been suggested.

The CHAIRMAN: That is dividing Canada into three parts instead of four.

Mr. HEAPS: Two.

Hon. Mr. STIRLING: May I ask what happened to number 5, public holiday? I was late unfortunately.

The CHAIRMAN: Negatived, with a penalty added for employers who refuse or do not comply with the provision in the act now that they should allow the men two hours off.

Hon. Mr. STIRLING: That rather answers Mr. Heaps' contention that five might be inconvenient in the west.

Mr. HEAPS: Yes. I know very often it is almost impossible for employees to get away, and it is a difficult task. In large factories it is quite possible because employers do allow the men off the time that is usually given them according to the act. For instance, in the railway shops, they have an understanding at election time that instead of closing at five o'clock, the shops close down at three o'clock, and they give them two hours that way, and they have lots of time to go and vote. But in the cases where they do not get away till five o'clock, it would be an almost impossible thing for a great many people to exercise their franchise. I think we are trying to get as many people to vote as we can, and I do not think we ought to take away that hour in the evening when it is very convenient for many people to go out and vote. I am suggesting as a kind of compromise—and I think it is a reasonable way out of the difficulty which has been mentioned here this morning—that eastern Canada should vote until seven, P.M. and the west until six, so it will obviate that difficulty which has been created whereby the results in Nova Scotia are known when the polling is in full swing out in British Columbia.

Mr. MCINTOSH: What do you mean by the west? Do you mean the four western provinces?

Mr. HEAPS: I would say the four western provinces, or have part of western Ontario included.

The CHAIRMAN: It is pretty hard to divide the provinces. If we were able to divide up the provinces, we could do it at the points at which they changed the time on the railroads. If you split a province in that way, it would be almost impossible to handle.

Mr. HEAPS: I would say the four western provinces.

Mr. FACTOR: You would still have the difference in time.

Hon. Mr. STIRLING: A new sheet would come out at four o'clock instead of three in Vancouver. I like your suggestion, Mr. Chairman, that an attempt should be made to draft a clause and submit it.

Mr. MACNICOL: Yes. I think it needs more study than what we have given to it.

The CHAIRMAN: Suppose we arranged it so that it only made an hour's difference; for instance, take eastern Canada from nine until seven; that is, the maritimes, Ontario and Quebec from nine in the morning until seven in the evening, and the four western provinces from eight to six, there is only a difference of an hour. In British Columbia they could not get very much information to influence the vote in any event in that hour's time.

Mr. McINTOSH: There is this to it: Is not this paper largely or almost entirely confined to urban sections? It does not concern rural areas. It is just in Vancouver where a large daily paper can issue an edition very quickly on the returns from the east, and it is more for informative purposes than for anything else.

Hon. Mr. STIRLING: It is passed by long distance phone up into the interior of British Columbia.

Mr. FACTOR: Radio.

Mr. McINTOSH: I am inclined to think it is the shifting vote that is affected in any way. I do not think it affects the general vote at all.

Mr. MACNICOL: At eight o'clock in Nova Scotia in October, it is getting quite dark.

The CHAIRMAN: Gentlemen, I was just figuring out the suggestion. If you take nine to seven from Ontario east and eight to six from Manitoba west, there is only a difference of an hour there. You do not get very much information out of the polls within an hour after the poll closes.

Mr. MACNICOL: Not much.

Hon. Mr. STIRLING: But the difference in time is four hours. It just helps you one hour instead of four hours—Atlantic time and Pacific time.

The CHAIRMAN: That is right, too.

Mr. FACTOR: Yes, that is so.

Mr. HEAPS: We could not make the hours synchronize exactly as to closing all across the country. It might be unfair to keep a Nova Scotia poll till eight o'clock at night, and it would be just as unfair to close a British Columbia at five o'clock in the evening. Unless you can find some other way of doing it, I cannot see where you can obviate the difficulty of having the polls known in one place while it is going on in another place—unless Nova Scotia was willing to have it at eight o'clock.

Mr. McINTOSH: It is just another illustration that Canada is a very hard country to govern. It is very hard to get full satisfaction for everyone.

Mr. HEAPS: Did the last vote not satisfy you, Mr. McIntosh?

Mr. McINTOSH: Very well.

Mr. MACNICOL: In the last municipal election in Toronto the polls were open until nine o'clock at night.

Mr. FACTOR: It was very unsatisfactory.

The CHAIRMAN: How would it be if we left it at ten to eight in Nova Scotia, New Brunswick and Prince Edward Island, nine to seven in Quebec and Ontario and eight to six in the four western provinces.

Mr. McLEAN: Do the returns from Ontario get out to British Columbia in time to influence the vote?

Hon. Mr. STIRLING: I would question that. A little information begins to trickle through from Ontario, but very little. I would not consider it a factor. This is from the far east.

Mr. McINTOSH: Just where there is a difference of four hours.

Mr. McLEAN: I would question the advisability of changing the time of voting except in the eastern parts where there is a difference of four hours.

Mr. PURDY: You have got to cut one down.

Mr. MACNICOL: For instance, the Toronto polls close—

Mr. FACTOR: At six o'clock.

Mr. MACNICOL: And it is known easily within half an hour who is leading. Anyway, in an hour it is known in Toronto how the election has gone.

Mr. HEAPS: Another difficulty that might easily arise is in the case of polls which are held when you have daylight saving in effect. In some parts of eastern Canada you have daylight saving, and out west there are many large areas that have not go it.

Hon. Mr. STEWART: They must go on standard time.

Mr. HEAPS: That difficulty might arise.

Hon. Mr. STEWART: They must go on standard time.

Mr. HEAPS: But you can see the difficulty.

Mr. FACTOR: Without doubting the sincerity of Mr. Stirling and Mr. MacNicol, I have been wondering whether they are not exaggerating the importance of the influence exerted by Nova Scotia on the British Columbia vote.

Mr. MACNICOL: It had a big one in 1930.

Mr. FACTOR: In my experience the voter in these days is a pretty intelligent person, and he has got his mind made up before election day; and if there are a few of that type of mentality who can be influenced by the voting from Nova Scotia, with all due regard to Nova Scotia, I do not think we ought to complicate the whole set up of our election system in order to provide for a few impressionable persons who might change their vote. I think the problem is not as colossal as Mr. Stirling and Mr. MacNicol are attempting to submit to the committee. Perhaps a few are influenced; but I would suggest, Mr. Chairman, that the great body of electors have made up their minds before election day as to how they are going to vote; and the results that trickle in from Nova Scotia and even from Ontario are not going to change in any substantial way the voting in British Columbia. I am afraid, from the practical standpoint, you are going to encounter a great number of difficulties both in the poll and in the obtaining of the result if you have these various hours in the different provinces. My submission is to leave them entirely alone.

Mr. MCINTOSH: I think it only affects a few. I am rather inclined to agree with Mr. Factor. I believe it is the generally accepted view now that people, after the first two sessions of parliament, begin to make up their minds as to how they are going to vote in the next election. I do not believe in a case of that kind or at that late date you are going to change very many votes by a little thing that is happening down in Nova Scotia. It only affects those who are on the toboggan, and they will be on the toboggan anyway.

Hon. Mr. STEWART: It goes further than that.

Hon. Mr. STIRLING: I am inclined to think if Mr. Factor practised his profession in Vancouver, he would be a most persuasive advocate of this change.

Hon. Mr. STEWART: Unfortunately there are certain areas—and we do not need to say where they are—in the Dominion, that think it to be an advantage to that area or to that province to be with the party in power. And they will be told during the election, and right up to the last moment, that it will be to the advantage of the particular province or that area to send a supporter of the government. So that that, I think, overrides the contention made by Mr. Factor that the individual in advance has made up his mind as to how he is going to vote. There is the fact.

The CHAIRMAN: We are doing a lot of unnecessary work if this statement is correct.

Hon. Mr. STEWART: Yes.

The CHAIRMAN: They are working up to the last minute.

Hon. Mr. STEWART: Exactly. There is undoubtedly, as we all know, that factor to which Mr. Factor has now referred in voting. It is unfortunate that that is so. It should not be there, but it is. We have heard it said, even in provincial elections, that it would be to the advantage of the province to elect a government that is in sympathy with the government in Ottawa.

Mr. McINTOSH: We have often heard it the other way, that it may be an advantage to have a government in a province opposed to the government at Ottawa, and vice versa.

Hon. Mr. STEWART: Exactly.

Mr. McINTOSH: I do not think there is much in that.

Mr. MACNICOL: We are getting away from the principle. If this committee is going to do anything at all,—and it has a lot more to do,—we have got to get down to principles. We are at peanut politics right now.

Hon. Mr. STEWART: Exactly.

Mr. MACNICOL: The principle is should the vote in any part of the country be influenced adversely or otherwise by the results in another part of the country that have been published three hours before the results in the part of the country that can be affected are known? The voting throughout Canada should be, as nearly as possible—or at least the closing should be as nearly as possible synchronized. It is not a sound principle that voting can close in one part of the country four hours before it closes in another part of the country.

Mr. FACTOR: Why not put in the Election Act a provision that the results of the polls in the Maritime Provinces shall not be published until the close of the polls in the western provinces?

Mr. MACNICOL: It would be fine if it could be done.

Mr. FACTOR: We could carry it out.

Mr. MACNICOL: That would be all right.

Mr. FACTOR: Instructions could be given to the returning officer not to publish the results until the close of the polls in all the provinces.

Mr. McINTOSH: That is the best way to handle it.

Mr. PURDY: I am afraid you would create a riot if they could not find out the way it was going.

Hon. Mr. STIRLING: It seems to me if the boxes were not opened, it would accomplish the purpose. If we had that, it would be very good.

Mr. MACNICOL: That would get over it all right. Do not have the counting. That would cover the whole thing.

Mr. FACTOR: Have synchronization of the counting of the ballots.

Mr. MACNICOL: Yes.

Mr. McLEAN: It seems to me that that would be a practical solution of it except for this: I do not think that it is fair to us to recommend to the house any procedure that is going to make any province or section of the country feel that they have a grievance. If that would be acceptable generally to the eastern provinces, well and good. But if not, I do not think we ought to adopt it. The other possibility would be the prohibition of printed or broadcast results. Could we not overcome it in that way? After all, the bulk of the voting is in by four o'clock. The great bulk of the voting is in then.

Mr. HEAPS: In rural sections.

Mr. McLEAN: It does not affect rural sections.

Mr. HEAPS: In the cities the bulk of the voting comes out in the evening, not in the afternoon.

The CHAIRMAN: It is pretty hard to control that because you are going to have telegrams from the different polls in to the central office.

Mr. FACTOR: You can control the counting of the votes.

The CHAIRMAN: Yes, you can control the counting of the votes, but you would hold the count down in Nova Scotia, and hold your scrutineers from six o'clock until nine o'clock before the ballot box would be opened; and in rural polls you are going to have some job to hold them.

Mr. McLean: I doubt very much that it is going to be satisfactory to compel all the election officials in the east to stay on duty for an extra two or three hours in order to prevent what they may claim to be the very, very doubtful influence of what they do on the people who still have not voted in British Columbia, and who may be apprised of the result of their vote.

Mr. MacNicol: Then you could compromise on that, Mr. Chairman, by having the polls close at seven instead of closing at eight, and that the ballots be not counted until eight. After all, we have got to make some sacrifices in this country to keep harmony from one end of the country to the other. However, all these election officials, in every case, break their necks to get that little job. They go after everyone who can give it to them; and when they take it they know they have taken it under those circumstances. They would know they had to stay there late—stay there an hour and smoke their pipe.

The Chairman: Personally, I think that is really a good suggestion, but there are some difficulties in working it out. I do not know but what we can work that out, and see if we cannot get somewhere.

Mr. MacNicol: I think it is worth considering very closely.

Mr. Purdy: I was going to suggest, as the matter is of particular interest to us,—and I see that there are no other eastern members here to-day,—that it might be held over until the next meeting in order to get their views.

The Chairman: I would be glad to hold it over.

Mr. Purdy: I feel that it would be very unpopular, particularly in the rural sections where in many cases somebody has to go in to the central organization with the results of the poll—perhaps the telephone line is down or something like that. You can imagine the condition if they cannot leave there until eight or nine o'clock on a dark night in October or something like that. It will be very inconvenient.

Hon. Mr. Stirling: May I ask what time the provincial polling in Nova Scotia closes?

Mr. Purdy: Six o'clock.

Hon. Mr. Stirling: It has always been that, has it?

Mr. Purdy: Yes, I think so.

Hon. Mr. Stirling: In British Columbia the provincial is eight and the federal is six.

The Chairman: It is the same thing in Saskatchewan, eight o'clock. Then we can hold that over and discuss it again.

(Stood over.)

The next suggestion is number 15: Public buildings should be used wherever possible for polling booths.

Mr. McLean: They are used now very largely where possible.

Mr. Heaps: No.

Mr. MacNicol: I do not think that in the cities that would be very popular. It would mean you would have to have a public holiday to start off with; because the only public buildings that could be used with any degree of satisfaction would be the schools; and it would mean that the schools would have to be closed down on election day.

Mr. Heaps: I have known schools to be open and the elections held in the schools, and there has been little or no inconvenience there.

Mr. MacNicol: We have always been used to voting—and I am now speaking of Toronto—within the boundaries of our poll, the poll that we live in. Everybody knows everybody in the poll, and as a rule the election officials on either side know everybody, or know most of them anyway; and I think it is a safeguard to the conduct of an election that a returning officer or scrutineer or

clerk should know most of the voters that come in. We have a big difficulty to get them to come out now to vote. When a poll is within the polling subdivision the voter has the shortest possible distance to go to vote. If we start holding elections at public buildings, then I can see how the percentage of voting in Toronto in federal elections would get down to the very small percentage that now prevails in the municipal elections. The vote in the federal election is at least 50 to 100 per cent higher than in municipal elections; and I am convinced that one of the reasons for that is that in a federal election the public are voting right close to home, whereas in the municipal elections they have got to go three or four blocks to a school, and they simply refuse to do it. Anything that interferes with the convenience of voting reduces the percentage of the vote; and in our last municipal elections I believe the percentage was down below 30 per cent. In other words, 70 per cent of the people refused to vote. We do not want anything like that in parliamentary elections.

Mr. HEAPS: If I may, I should like to answer Mr. MacNicol there. I do not know local conditions in Toronto in regard to civic and federal elections, but first of all you have a different voters' list in civic elections as compared with federal elections. In your civic elections your list may be property owners, lessees or tenants; and then there is also in the municipal list an enormous duplication of names, persons having a number of votes. That 30 per cent might easily work out to 50 or 60 per cent. It would work out to 60 per cent if you took out all the duplication from the civic list. Then you also have your civic election during the winter months, which is also a factor in keeping the vote down. If you remember our last election in October, there was generally fine weather across the country. That fine weather we think was conducive of bringing out a large vote. I think it was the largest vote, on the percentage basis, that we have had in the history of Canada, and I think a good deal of it is attributable to the fine weather that we had. So that when you start to deal with percentages, there is always a number of factors to take into consideration; and by just giving the bald figures of 40 or 50 per cent, it does not mean a great deal.

Mr. MACNICOL: In the last municipal election in Toronto, the election was held the first week in December.

Mr. HEAPS: For that very reason it is a little better, as the weather is not as severe as it is in January; and there may be another reason. What I want to point out is if we are going to stand by or work on the basis of any previous election, where you are going to have a poll for every 300 names, then it is almost impossible to have it in public buildings. If you are going to determine upon public buildings, then we have also to be prepared to make the polling area much larger than we have at the present time. Personally, I am in favour, wherever it is possible, of utilizing public buildings. I have always been in favour of it, because I have found by holding these elections in small places, dinky little places, there is inconvenience, and that it did not tend to what you might call add to the dignity of the elections.

Mr. MCINTOSH: Might I ask a question? You mentioned the fact that a poll could be held in a school when classes were in operation. Now, where would you hold the poll and not interfere with the work of the school?

Mr. HEAPS: I have seen polls held in the large lobbies.

Mr. MCINTOSH: Away from the school rooms?

Mr. HEAPS: In lobbies as large as this room.

Mr. MCINTOSH: That would apply only to the larger centres and the larger schools.

Mr. HEAPS: I suppose similar accommodation might be obtained in fire stations and public halls. I would prefer that to going into these small rooms

which are very inconvenient and which are used as a form of patronage by those who have control of the elections. There is no getting away from that fact; it is patronage, and there is always a quid pro quo expected. I would like to see that eliminated, and its elimination can be accomplished by holding these polls in public buildings. In our civic elections I think we do better than in Toronto.

Mr. McINTOSH: You mean in the percentage of the votes?

Mr. HEAPS: Yes. I do not say that the percentage is higher in the civic elections than it is in the federal, because in our civic elections we have duplication. Persons may hold property in different districts of the city and they may be entitled to vote in each district. If a man has a dozen pieces of property he may be down a dozen times on one list. It is unfair to say that because of the number of names on the voters' list that 33 per cent voted. It is possible that if a proper census were made of the list in Toronto it might work out considerably above the figure mentioned by Mr. MacNicol.

Mr. McINTOSH: One reason for a larger vote in federal elections is that the issues are national and they stir the people to a greater extent.

Mr. HEAPS: Yes. Then there is another factor: before we had enumeration by enumerators, as in this last election, it was a matter of personal registration, and a person who goes out to have his name put on the voters' list is more likely to go out to cast his vote than a person whose name is put on and he does not know it is on. However, in regard to the point at issue, I would like to see public buildings used because we get away from patronage in the way of providing small houses every two blocks in the city, and certainly I think it would add to the dignity of our elections if we utilized our public buildings for a public function such as the electing of public representatives to the federal parliament.

Mr. McINTOSH: Even your contention could not be worked 100 per cent.

Mr. HEAPS: Wherever it is possible. I think there should be strict instructions from the chief electoral officer to the D.R.O's in the cities and towns that wherever possible they should utilize public buildings for this purpose; but it is all contingent upon the idea of having a much larger polling area than we have at present. I think it is 300. If we have 300 to a poll it is impossible to get public buildings every two blocks in the city.

The CHAIRMAN: I can only say this in regard to rural constituencies: in the constituency of Swift Current the returning officer has endeavoured to get public buildings wherever possible, but I would not want to have anything in the act to compel him to get those public buildings because in the case of many polls if we pick the school houses they would be just about the most awkward places to get at. From the way the polls are made up they do not conform to any boundary lines of school districts, on account of creeks or hills or things like that.

Mr. HEAPS: In my constituency in our civic elections the polls are identical with those used in the federal election, and there are approximately the same number of electors; but in our civic elections we are able to divide into fourteen districts, fourteen polling divisions, whereas in our federal elections we have somewhere near one hundred. Now, there is no reason why we could not do this as efficiently in the federal election as we do in the civic election. The public buildings are large.

Mr. MacNICOL: I do not see how voting can be carried on in the school without having rooms.

Mr. HEAPS: They use the halls, and that does not in any way affect the holding of the school.

Mr. MacNicol: How do the children get through the polls if you are using the halls?

Mr. Heaps: There is sufficient room. There is no inconvenience in that respect. If we can have fourteen polls to take care of the district, I do not see why we should have ninety odd in a federal election.

The Chairman: If you have the school going on and you have a poll in the school you would have the children running around.

Mr. Heaps: I am not giving the school as a definite illustration. I am only pointing out the number of polls. We have ninety different polling booths for a federal election. There is the difficulty of organizing a constituency, and that is only one of the difficulties. They have ninety or one hundred polling booths in one electoral district, and they could all be constituted in fourteen or fifteen as happens in the illustration I have given you.

The Chairman: The electoral officer directs my attention to this fact, that under section 33 (8):—

> The returning officer may, with the prior permission, and shall upon the direction of the chief electoral officer, establish in any city or town of not more than ten thousand population a central polling place whereat the polling stations of all or any of the polling divisions of an electoral district may be centralized, and upon the establishment of such central polling place all the provisions of this act shall apply as if every polling station at such central polling place were within the polling division of the electoral district to which it appertains.

He says that where we have a centralization of polling places it turns out to be more expensive than in the case of separate polling places in each polling division.

Mr. Heaps: It is more expensive?

Mr. Castonguay: Voting compartments have to be built in the schools and halls, and the school authorities always charge rentals for the schools, and that rental, added to the cost of the compartments, in my experience, has always cost more than the rental of individual polling booths throughout the district.

Mr. MacNicol: They could not be expected to give the schools for federal purposes the same as they do for municipal elections.

Mr. Castonguay: No.

Mr. Heaps: Could you not borrow the equipment from the civic authorities for the purpose without having to buy compartments?

Mr. Castonguay: I know of only very few places where there are compartments available. Prior to 1930 in the city of Vancouver a whole electoral district used to vote in one hall, sometimes as many as a hundred polls. I remember quite well that the cost of polling stations was far more costly then than it is under the present system.

Hon. Mr. Stewart: It seems to me that Mr. Heaps' suggestion is based upon a readjustment, a re-division, a subdivision of the constituencies. Now, of course, that would not work in the rural parts at all. I know it will cause more inconvenience and confusion if you depart from the regularly established voting subdivisions of your township, of your town or of your municipality. They are known to the elector, known to him in connection with his municipal vote and with his provincial vote. Now, if we carve out new polling divisions I do not think that the result would justify the confusion and uncertainty that would inevitably follow.

Mr. Rickard: Was not that done last year at the last election? In our riding I know we had twelve polls in some towns where we formerly had five or six and we had voters voting in polls where there were only 100 to 150 voters.

Mr. MacNicol: The act says there must be 300.

Mr. Rickard: We had them less than 150. There were returning officers, clerks and scrutineers appointed.

Mr. McIntosh: How does the number compare with the number in the last election?

Mr. Rickard: Half as many again.

Mr. McIntosh: What riding is that?

Mr. Rickard: Durham. In the town of Port Hope we had six polls previous to this election. In the 1935 election we had twelve in the town. In the town of Bowmanville we had 6, this time 11, and we had many more in the rural sections.

The Chairman: Do you want to think over this section until the next meeting?

Mr. McLean: I think we can dispose of it. I think a great deal of the argument in connection with this has had to do with half a dozen seats. I think so far as the great bulk of the country is concerned it does not apply at all. So far as the average riding is concerned you cannot have the polls in public buildings. The space is not available. The schools are used for education and the Board of Education would not think of closing the schools on election day. I will move that we negative it. I think it applies to an extremely limited part of the country and involves a departure which would not be accepted by the people of these communities.

(Negatived.)

The committee adjourned at 1.05 p.m., to meet again at the call of the Chair.

HOUSE OF COMMONS, ROOM 429,

February 19, 1937.

The Special Committee on Elections and Franchise Acts met at 11 o'clock, Mr. Bothwell, the chairman, presiding.

The CHAIRMAN: Gentlemen, during our last meeting there were two or three matters which were held over for discussion. A question was asked of Mr. Castonguay in connection with advance polls, the number and cost. I think the cost was given last day, but since then Mr. Castonguay has made a study of the matter and is able to give us more information.

Mr. CASTONGUAY: At the last general election there were 199 advance polls established in the various provinces. The cost of holding an advance poll was $43 divided as follows: $16 to the deputy returning officer, $10 to the poll clerk, $10 for the rental of the polling booth, and $7 for the fees of the returning officer for his personal services and his clerical assistance. In addition to that, in every electoral district where an advance poll is established, there has to be a notice of the advance poll published, and there were 156 of these notices published throughout the country which cost an average of $26.41. The cost of the services of poll officials and of the printing of the notices amount to $12,676.96 for 199 polls. There were 11,271 votes polled at those 199 advance polls, so the cost per vote for the taking of that vote alone is a little over $1.12 per vote.

Mr. HEAPS: That is cheap compared with the absentee vote.

Mr. CASTONGUAY: If the committee is interested in getting the details of the votes polled at the advance polls, I have them here.

Hon. Mr. STEWART: Don't expand on it.

The CHAIRMAN: No, no. Are there any questions in connection with advance polls?

Mr. FACTOR: If the committee had adopted my suggestion and extended the scope it would have made for more votes and less cost.

The CHAIRMAN: There was another matter which was discussed here and the question arose, I think, in connection with deputy returning officers wiring in the result of the election. There was a suggestion made in connection with that. I think Mr. Castonguay can give us some information.

Mr. CASTONGUAY: I was asked to draft an amendment to bring this into operation. After considering the matter, I found that two amendments would be required: a new subsection 8A to section 50, and a new section 50 (A), which would be inserted immediately after section 50. The new subsection 8A to read as follows:—

> " In every polling division not included in the place where the returning officer's office is situated, the deputy returning officer shall send the result of the vote at his polling station to the returning officer, by telephone or telegraph, or by the most speedy means of communication available, immediately after the close of the poll, on polling day, and according to special instructions on the subject received from the returning officer. In every polling division included in large cities or in the place where the office of the returning officer is situated, the deputy returning officer shall deliver his ballot box to the returning officer's office,

immediately after the close of the poll, and the deputy returning officer shall also deliver at the same time to the returning officer an extra copy of the statement of the poll, in Form No. 31 of the Act, duly filled in with the complete result of the voting at his polling station."

The CHAIRMAN: There is another question there. After you read the first part of it there is something in connection with the most convenient method.

Mr. CASTONGUAY: "Most speedy means of communication available."

The CHAIRMAN: Does that open the door to allow him to hire a car?

Mr. CASTONGUAY: No, the delivery of the result of the vote is subject to special instructions in each case by the returning officer to the deputy returning officer.

The CHAIRMAN: And those special instructions would go out from the chief electoral officer to the returning officers?

Mr. CASTONGUAY: There would be a set of instructions from the chief electoral officer to the returning officer, but the returning officer in advising his deputy as to his duties would add to his letter especial instruction to report the result of his poll by telegraph or telephone, or, if he resides too far from any telephone or telegraph office he would advise him to send the result by mail or by messenger or by whatever means he would deem best.

The other amendment deals with the duties of returning officers in connection with the collection of election returns, and reads as follows: *Collection of Election Returns by Returning Officers Immediately after the Close of Poll.*

50A (1) The returning officer shall especially instruct each deputy returning officer for polling divisions which are not included in the place where his office is situated, to advise him of the result of the vote at his polling station, immediately after the close of the poll on polling day, by either telegraph or telephone, or by the most speedy means of communication available.

(2) In every polling division included in large cities or in the place where the office of the returning officer is situated, the returning officer shall instruct the deputy returning officer to deliver his ballot box at the returning officer's office, immediately after the close of the poll, together with an extra copy of the statement of the poll, in Form 31 of the Act, upon which the result of the voting at his polling station has been filled in.

(3) Immediately upon receiving the results of the voting at the various polling stations by either telephone, telegraph or personal delivery to the returning officer's office, the returning officer "shall keep a record of the result of the voting, thus received, on a special chart, in the form prescribed by the chief electoral officer. The returning officer shall permit the inspection of this chart by any candidate or his representative, and by the representative of any news agency or newspaper at all reasonable times until the final addition of the votes has been completed."

Mr. PURDY: What is the definition of the closing of the poll, Mr. Chairman?

The CHAIRMAN: It is used throughout the act. The closing of the poll, I presume, means 6 o'clock.

Mr. PURDY: You cannot send the result immediately.

Mr. CASTONGUAY: It does not take more than twenty minutes or half an hour to close the poll after 6 o'clock.

Mr. HEAPS: How much do you think it would cost to this country to have those results phoned in as suggested by the amendments?

Mr. CASTONGUAY: In cities and places where the returning officer's office is situated it would not cost anything, but in rural districts the cost would depend on the number of polls—possibly an average of 40 cents to 50 cents per poll.

Mr. HEAPS: 80 or 90 cents in a rural area.

Mr. CASTONGUAY: $40 or $50 per electoral district I think that this amount is spent by every political organization under the present system.

Mr. FAIR: In the case of outlying districts where there is no telephone or telegraph service, don't you think you are opening up the way there that might not be suitable after we have had one experience.

The CHAIRMAN: I am a little afraid of the expense that might be involved.

Mr. FAIR: Send it by mail.

Mr. CASTONGUAY: The returning officer of each district is familiar with the conditions, and when the sending of the results of any particular poll would entail too much cost he could instruct the deputy returning officer to send them by mail.

Hon. Mr. STEWART: Yes, that is it.

Mr. FAIR: If it is going to be used, I think we should fix it before that happens.

Mr. GLEN: Is this really a matter that should be the subject of statutory legislation? After all, it is only for the convenience and to satisfy the minds of candidates who have been elected, because the returns are made to the returning officer automatically afterwards, and so far as the candidates are concerned they all arrange to have the poll returns sent in. At 50 cents a call the cost would amount to $50 in my riding to have that information sent in. It seems to me it is a matter that should be left to the candidates themselves to arrange for, and the government should not pay that.

Hon. Mr. STEWART: The only point I see is when the constituency is pretty far flung and where the organization may not, perhaps, be very good. Sometimes we have heard of peculiar results. I know that returns have been sent in, but on the whole I am inclined to agree. There are some of those districts where a candidate may not be represented. If you could select certain constituencies where an organization exists it would be all right.

Mr. HEAPS: Suppose you leave certain discretionary powers in the hands of the returning officer.

Hon. Mr. STEWART: I have heard results which were very different from what they were thought to be.

Mr. HEAPS: You might get wrong results over the telephone.

Mr. GLEN: It is a matter of satisfying the minds of the candidates as to who is elected and who is not.

The CHAIRMAN: It is not only that. I think the information is required all over Canada.

Mr. GLEN: It is to satisfy the curiosity of people. I do not know that we would be justified to put that in legislative form.

The CHAIRMAN: I believe it will save an awful lot of duplication of expense at present to the government and candidates.

Mr. HEAPS: What expenses have the candidates?

Mr. GLEN: It would not save any expense as far as the government is concerned.

The CHAIRMAN: It would not save any expense to the government; it would cost the government instead of the candidates.

Mr. GLEN: It saves the candidates all right; but these are necessary expenses which are realized by the candidates. As a matter of fact, throughout every rural riding there are always arrangements made with the returning officer, for instance, to see that my office has returns coming in from the deputies.

Mr. CASTONGAY: The Returning Officer gets these returns sometimes a week after polling day, and he cannot open the ballot boxes or find out what the returns are until the day of the final addition of the vote.

Mr. GLEN: I do not believe my riding is very much different from any of the others, and I know that on the night of the election we knew what all the returns were from each poll and they had to drive from five to ten miles in some places in order to get information of a poll. What I rather object to is that the government should pay or the country should pay for something that really is only for the benefit of satisfying the curiosity of the candidate.

Mr. MCLEAN: I think this is a good idea. I do not think it is so much in the interest of the candidate as it is a public service. There are organizations, particularly newspapers, on whom demands are made at every election for news service, not in the newspapers but on the bulletins and on the main streets of the different centres, and the newspapers go to very considerable expense. Now, I suppose they have to be reimbursed somehow. Perhaps that is the reason why they charge the candidates double advertising rates at election time. I do not know. However, the newspaper as such does not require this, but the public demand that information. The candidate is in a position to judge pretty well whether he is elected or not, but the public do demand that service, and as has been said by others there is a great deal of duplication of expense in obtaining it — duplication of long distance telephone calls and that sort of thing; and in view of the very moderate extra expense — and with the safeguards that can be taken the cost will not be too great — I think we would be well advised to consider this matter, and we would be giving the public a service that they demand.

Mr. MCCUAIG: Is it the intention to have every polling place send in the returns?

The CHAIRMAN: Every polling place.

Mr. MCCUAIG: That is more duplication than ever. Take my own riding for example, at present the central office telephones in to each candidate whereas under the system you are going to follow now there would be eighteen polling places, as in the last election, telephoning to four candidates. There would be eighteen telephone calls multiplied by four, or seventy-two telephone calls coming from the town of Collingwood, whereas the way it is now there would be only four because each central office gets the returns for all the towns and telephones the returns to the candidates.

The CHAIRMAN: How do you mean there would be seventy-two?

Mr. MCCUAIG: If there are eighteen polling places in the town.

The CHAIRMAN: There would be only one telephone call from each one.

Mr. MCCUAIG: There are four candidates.

The CHAIRMAN: The deputy returning officer covers them all.

Mr. MCCUAIG: I thought you were sending results to the candidates.

Hon. Mr. STEWART: Oh, no, the returning officer.

The CHAIRMAN: The deputy returning officer in a poll is supposed under this suggested amendment to telephone or wire to the returning officer the result of the poll on the night of the election.

Mr. HEAPS: It is a matter of its practical application as compared with what happens now at election time. At the present time I think every candidate's committee rooms get the results phoned in, and it is only in a few isolated

districts where the phone is not available for the results that this would matter. If this thing were put into effect I do not think it would mean probably more than three phone calls that they do not get at the present time. I do not like to see our Election Act cluttered up with a great many rules and regulations which sometimes can be stretched to a point where the act is made almost ridiculous; if this is put in in its present form I am inclined to think it would be taken advantage of by every returning officer in practically every poll in a constituency. I would prefer to leave the act as it is and carry on the way we are.

Mr. MACNICOL: It works very satisfactorily the way it is.

Hon. Mr. STEWART: It does in the cities, but not in the counties. You get your city returns in a few minutes.

Mr. MACNICOL: Using the county of Leeds for example, the returns from Brockville are known in the towns of Gananoque, Athens and Lyndhurst. Lyndhurst would have to phone to Rockland. What do they do now? They go to the telephone and phone to Brockville. Who pays for that?

Hon. Mr. STEWART: You do and I do.

Mr. MACNICOL: The candidates pay for that.

Hon. Mr. STEWART: Yes.

Mr. MACNICOL: And this suggests to have the government pay for it?

Mr. GLEN: Don't you think the duty of the government in carrying on an election is to provide the opportunity for votes to be recorded and to make regulations to suit that. The act provides now that the returns shall be made in the proper form by the deputy returning officer to the returning officer in the regular form; that is, that they are concerned merely with the carrying out of the vote and the taking of the vote and making returns to the returning officer. Do you think we are justified in asking the government to pay for telephone calls and telegrams or whatever it might mean in order to satisfy our own curiosity as to the result of the election? Do you think that is a function of the Election Act?

The CHAIRMAN: There is another matter that enters into it. There are a lot of election workers who are so enthusiastic that the moment the poll closes, and before the deputy returning officer has any opportunity, they beat it to telephone the central office, but there will be a lot of that done in any event.

Mr. RICKARD: The government will have a bill to pay for something that is not necessary at all.

Mr. GLEN: Mr. Castonguay, is there any reason why we should ask for this amendment? Is it of any value to you as chief electoral officer?

Mr. CASTONGUAY: At the last election I was asked by at least fifty returning officers to be authorized to collect election results, and since there was no authority in the act I had to tell them that nothing could be done.

Mr. GLEN: I wanted to know whether it would take away from the efficiency of the act on that day or whether it was something in connection with the electoral machinery that should be done. If it is only because of the questions of returning officers that makes it all the more useless.

Mr. CASTONGUAY: The returning officers were no doubt requested to make this request by some of the candidates. One of the returning officers suggested that the purpose of this special committee is to reduce the expenses of the candidate, and that this was a fine opportunity of cutting down their expenses.

Mr. FAIR: I do not think we should consider the candidates in that respect; let us consider the central paying organization and forget about these others. For my part, my constituency covers considerably more than 6,000 square miles and I have no trouble whatever and very little expense.

The CHAIRMAN: Could we have a motion?

Mr. PURDY: I would like to see this put into effect. I think it would work to great advantage. Of course, from a personal viewpoint in the last election owing to the wires being crossed, perhaps, there were several hours when I was rather on the grid myself because while I was assured that I was elected our opponents were just as sure that their man was elected. Events showed that their figures were wrong by about 200. The public were in suspense. There was one city in Nova Scotia which was in dispute for several hours.

The CHAIRMAN: Frequently mistakes arise. People get figures mixed.

Mr. HEAPS: It will be easy to have the same mistakes over the telephone; figures might be misunderstood over the telephone.

Mr. MCLEAN: I still think we are just about fifteen years behind in this; everything else has moved fast. When you consider the poll machinery and the taking of the vote, I think this question of supplying information to the returning officers—information which is demanded all over the country immediately—should be considered. I think for a very moderate cost that the government should keep all their services up to date, thus keeping up with the more rapid communication and everything else. I think for the very moderate cost we might permit these people to send in these returns on election night. Remember it is easy to exaggerate the cost. In many ridings there will be no telephone charge even for a distance of, perhaps, fifteen or twenty miles out in the country. In my own case there would be quite a large number of polls where the poll telephone is connected without extra charge. I doubt very much whether there would be a charge in more than two-thirds of the polls at the outside, and I say that this is a service which the government might well pay. It is being done now, and it is being done by not only the candidates' organizations but by the newspapers, and it is being done with great duplication of expense and considerable confusion. The telephone lines are all cluttered up and there is great difficulty in getting the information no matter what you do to provide for it. If this were adopted I think it would eliminate a great deal of the congestion on the line and I think the returns would be brought in much more quickly. There would be less cost, and I think this is a service that we should seriously consider giving.

Mr. FAIR: There is just part in the previous speaker's suggestion I would agree with: I believe things are moving faster now. I think he will realize that we are moving far faster at the present time than we can pay for.

Mr. MCINTOSH: What would be the approximate cost? Has the committee any idea of the cost of such a service?

Mr. MACNICOL: One hundred polls would average about—

Hon. Mr. STEWART: $40 or $50 a riding.

Mr. PURDY: In the city ridings there would be no such charge.

Mr. HEAPS: They would have the same right of phoning in.

Mr. GLEN: You can estimate $50 a riding.

Mr. CASTONGUAY: Yes, about that amount.

Mr. GLEN: I do not think that in more than two-thirds of the one hundred polls in my riding there would be a charge.

Mr. RICARD: I believe every telephone charge would be charged up if this were put in force.

Mr. WOOD: I do not think any returning officer would have any authority to make any charges; they would come in from the telephone company. I do not see where there would be any abuse.

Mr. FACTOR: There is a great deal to be said in favour of the amendment. It is the duty of the government to see that the results are obtained by the people, and irrespective of the personal consideration of the candidate, as speedily as possible. Can we not compromise in this and leave it to the chief

electoral officer to decide the ridings in which this amendment should apply? It has no application in the cities; we have no difficulty in getting the results; but I can envision ridings throughout the Dominion where if this amendment were put into effect it would render a great service to the public. Could we not leave it to the discretion of the chief electoral officer to apply this section in those ridings where from his experience this would do good?

Mr. GLEN: What is the service to the public? It is only accellerating the knowledge of the result of the poll. We can wait until the next morning and get the newspaper and read it all. Why should the government have to pay for this service? I cannot see it at all.

Mr. HEAPS: Are there any complaints from anyone in regard to the present working of the act? Are there any complaints or any requests in this respect?

Mr. MCLEAN: There have been in the press of the country suggestions that this might be done by the press assuming the burden. Because of the demand in various centres the newspapers offices have put up bulletins on election night.

Mr. GLEN: The information is all broadcast.

Mr. MACNICOL: It adds to the cost of elections, and that is something we should try to avoid.

Hon. Mr. STEWART: I want to return to the point I raised, and that is that it is a check upon the result of the poll. I have read in some cases that when the ballot boxes reached the returning officers from some of our outlying places the results disclosed by the ballot boxes were not always those given out on the night of the election. As I say, it does not affect my constituency at all, but I have read in the reports of cases tried where, owing to the lack of any check or any announcement from the returning officer on the night of the election, the result of the polls on the final count was found to be very different. Sometimes there were more ballots in the boxes than there were voters on the list, and that sort of thing. It seems to me that if a statement were made by the returning officers on the night of the poll that it would be a check against any subsequent manipulation or any subsequent irregular proceedings. I think that is one of the strong points; but, as I say, it does not make any difference in my riding.

Mr. HEAPS: Could we have information from members who represent rural constituencies as to how many polls on election day actually are delayed on account of lack of proper facilities for letting the results be known?

Mr. MCINTOSH: I think Mr. Heaps may have in his mind what I was thinking of. If we are going to establish any compromise why could you not adopt a compromise in the rural ridings about which there has been some discussion and in connection with which discretion could be used whereby just a number of polls—what we might call type polls—would be considered, and the larger sized centres would send in their returns without cost.

The CHAIRMAN: The amendment in a way infers that. The returning officer gives instructions to the deputy returning officers that they are to send forward that information to his office and in what manner they are to forward the returns. In my constituency there are quite a number of phones on the rural line which will cover a lot of polls; but as soon as you get away from the centre where the returning officer lives they are now in the habit of gathering a number of polls together and phoning them all in at the one time. With this amendment you would have a separate telephone for each poll.

Mr. MCLEAN: In answer to Mr. Heaps' suggestion, my idea is that it is not so much a matter of delay in getting the returns in as it is a matter of duplication of agencies in getting the returns in. In the absence of a government agency for getting the returns in, until the returning officer has some way of sending them in, there are all sorts of other agencies working in a hurry to get the reports in with consequent congestion in the lines of communication and added expense.

The CHAIRMAN: Answering Mr. Heaps, I have rather a scattered kind of constituency, and on the night of the last election we had returns from every poll but two.

Mr. HEAPS: On the same night. How long would that be after the poll had actually closed?

The CHAIRMAN: Oh, the polls closed at 6 o'clock, and we had all of these returns in by 10 o'clock. I think, possibly, at 10 o'clock more than that were still out, but that night we got them all with the exception of two.

Mr. MCCUAIG: I think there is a confusion we are not foreseeing, and that is that if they are all phoning in to the returning officer every kind of organization will also be phoning in to that returning officer to get returns, and it will be impossible to get his phone. It will not be possible for candidates to get the returns from the returning officer, and the same duplication will still exist.

The CHAIRMAN: We can easily stop that.

Mr. MCCUAIG: Suppose I were a candidate and wanted to get returns in a hurry it will not save trouble or expense because if I cannot get the result from the returning officer I am going to get the returns from each polling division.

Mr. GLEN: With regard to this duplication that Mr. McLean speaks of I might say that we spend money in election times for telephones and telegrams and get the benefit of it, and the organizations and the candidates are all willing to spend the money. Why should the government pay that expense?

Mr. MACNICOL: It comes easy and goes easy.

The CHAIRMAN: I think the members have their minds made up now. Are you ready for the question?

(Negatived).

The CHAIRMAN: There was another suggestion which I think might come in now possibly, and that is in connection with the returning officer paying the charges for the various polls. At the present time—and I suppose every one of you as members of parliament have had complaints from deputy returning officers and poll clerks and so on who acted in the election—they were not able to get their fees for months afterwards. I know that I have had complaints in every election, and I presume the same is true with you all. Now, the suggestion has been made—Mr. Castonguay and Mr. Butcher will explain the matter to you because they have been discussing the subject with the Auditor General's department to see if there is not some quicker way of disposing of these costs and getting the cheques out—

Mr. CASTONGUAY: In my report to the Speaker for the election of 1935 the following is stated; on page 12:—

> "Several complaints have been received from deputy returning officers, poll clerks, constables and landlords of polling stations with regard to the delay in the settlement of their accounts. All accounts relating to the holding of a Dominion election are taxed and paid by the Auditor General, pursuant to the provisions of Section 61 of the Act. I understand that these accounts are being paid in the order of their receipt, that is, first in, first paid. The settlement of these accounts requires the sending out of about 125,000 cheques. These cheques have been going out at the rate of about 1,200 to 1,500 per day, but even at that rate, it is not expected that the last of them will be sent out much before the first of March next. A situation of this kind should not exist. Election officers should be paid a short time after polling day. It should be directed in the statute that a system for the payment of election officers be adopted whereby accounts would be paid within a reasonable time after the election."

I discussed this matter with Mr. Butcher and the chairman of the committee last year, and I took the matter up with the Comptroller of the Treasury and the Auditor General, and we have decided to suggest the use of an election fees' warrant. Blank warrants would be sent to the returning officers on requisitions made by them after polling day. If this method of payment were adopted, the deputy returning officers, poll clerks and landlords of polling booths whose fees are stated in the act and do not vary, would be paid within ten days after the final addition of the votes, when the ballot boxes have been checked up. At the last election five or six months elapsed before some of them were paid.

Hon. Mr. STEWART: Paid by whom?

Mr. CASTOUGUAY: Paid by election fees' warrant through the returning officer, signed by myself, and sent to the returning officer with a certificate that this warrant is in payment of the services of the deputy returning officer, poll clerk or whatever he may be, and the warrant would not be paid until the poll clerk or deputy returning officer filled in the following endorsation:—

> "This warrant for Six Dollars ($6.00) is in payment of my services as deputy returning officer at Polling Station No ..... of the Electoral District of .....at the Dominion Election held therein on the ..... day of ..... 19....
>
> I hereby certify that I have really and truly acted in the aforesaid capacity according to law."

Mr. MACNICOL: How many names are there? The deputy returning officer, the poll clerk and the constable?

Mr. CASTONGUAY: The Auditor General took exception to paying the constables by warrant. He wants to pay them as at present by cheque issued from his office. At the last election there were about 32,000 polling stations and in only about 10,000 of those were constables appointed; so if you sent a warrant to the returning officer for a constable for each polling station he would probably see that a constable got it.

Mr. MCLEAN: By whom would the poll clerk be paid? Who would hand him his cheque?

Mr. CASTONGUAY: The warrant would be given to him by the returning officer. The returning officer would fill in the warrant, upon which the following appears: —

> " This warrant is issued in settlement of the fees of the above named person who acted as Deputy Returning Officer at Polling Station No.....in the after mentioned Electoral District, at the Dominion Election held on the.....day of.....19....
>
> Dated at.....this..... day of.....19...."
>
> .....
>
> *Returning Officer.*

Mr. MCINTOSH: Your name is attached to that receipt.

Mr. CASTONGUAY: My signature would be printed on it.

The CHAIRMAN: I think the negotiations you had with the Auditor General's department might be explained. It seems there had been an objection at one time from the Auditor General's department, but that has been obviated now by this system of making payments.

Mr. FACTOR: Where would the returning officer get the cheques from?

Mr. CASTONGUAY: The comptroller of the treasury suggested that the warrants should be sent to the returning officer on a requisition made by him, after polling day, when he knows exactly how many deputy returning officers, poll clerks and landlords of polling booths he has to pay. The warrants would be

kept in my office and, of course, subject to scrutiny by the Auditor General's department and the Comptroller of the Treasury's branch and they would be paid by the Auditor General. The Comptroller of the Treasury insists upon the warrants being sent out by a different office than by the office which is going to pay them.

Mr. GLEN: When the returning officer has requisitioned you the cheque comes to you and then goes to the returning officer, is that it?

Mr. CASTONGUAY: Suppose the returning officer has one hundred deputies and one hundred poll clerks, and, of course, one hundred landlords; he sends me a requisition for the number of warrants for the payment of deputy returning officers, poll clerks and landlords of polling booths, after polling day — and the day of the final addition is always a few days after polling day — and when the final addition has been held, and the ballot boxes have been checked, and the returning officer is satisfied that the deputy returning officers have performed their duty in a satisfactory way, he then issues the warrants to the various election officers entitled to receive them.

The CHAIRMAN: Those are the fixed fees.

Mr. CASTONGUAY: Yes, and the amount is printed in big type on the warrant. If this suggestion is adopted it will be stated in the instructions to the deputy returning officers when and how they are going to be paid, and, if a few days after that date, they have not received their warrants they should write to my office and we would then know if any warrants had been held up, and the returning officers would also be told that the settlement of their own accounts would not be made until two months after the election so as to give time for any complaint to reach us.

The CHAIRMAN: If I may explain, I think these warrants should be passed upon. I see the words, "Negotiable without charge at any chartered bank in Canada." This warrant is sent to the official, whoever he may be. He is not able to get this cashed until he endorses it with his receipt and certificate. That is only sent out by the returning officer. The warrants do not leave the office here until the chief electoral officer has a report and request from the returning officer giving him a list of the officials entitled to receive them.

Mr. FACTOR: Do I understand that this is like a negotiable cheque; that you can take this warrant and cash it in any bank?

Mr. CASTONGUAY: It will be used as money.

Mr. FACTOR: It is just a matter of taking this warrant and cashing it.

Mr. HEAPS: It is like social credit money.

Hon. Mr. STEWART: It seems to me we are getting into a lot of red tape in respect of the possible trouble and delay involved in the issue of these warrant cheques. We have the case of a returning officer who is entirely to blame for the delay in the issue of cheques to those entitled to them. He took the position he would not send in his accounts until he had everything correct, until he had everything checked, and he thought he had sent them all in at once. He found some of the accounts sent in were not correct. He had reduced them and got them in shape, and he did not send any in until he had them all complete. It seems to me if instructions were issued to the returning officer to, immediately after the election was held, get a list of those officials who should be paid and send it in and let the cheques go out from here, that you would probably be as far ahead in the payments in point of time as you would be by going through all this red tape.

The CHAIRMAN: There has been a tremendous number of complaints in the past. I have had them myself.

Hon. Mr. STEWART: We have all had them.

Mr. McLEAN: I am afraid Mr. Stewart has been rather fortunate. I have a riding in mind as an illustration. The election was held in October, and in the month of April, I think it was, in the Auditor General's office the accounts had not been touched yet, they had not come to them, they did not know about any irregularities. I think this is a sensible thing. Surely it is simplicity itself. These services are set; they are printed right on the cheque; and why these cheques should not be sent to the returning officer to be handed out within a few weeks I cannot see. In regard to the election clerks' and returning officers' fees, which are not set definitely and have to be taxed and gone over, it is quite all right to have the office check them up, and they can expect to have some delay in getting their settlement; but the idea that there should be three or four months' delay in paying a set fee for a deputy seems to me to be absurd.

The CHAIRMAN: The difficulty has been in the past that the Auditor General's department, apparently, goes through every item in connection with every detail and the whole thing is held up for months. I do not suppose they save $5 in a Dominion election by doing that.

Mr. McLEAN: There cannot possibly be any irregularities in connection with this.

Mr. GLEN: You have taken that up with the Auditor General's department, and you are quite agreeable that this would expedite matters, are you?

Mr. CASTONGUAY: I am sure that every returning officer would gladly do the work entailed by filling out the warrant, because the position of the returning officer is very awkward by reason of the long delay. Nearly every person who has had to wait more than three or four weeks is naturally suspicious that the returning officer has pocketed the money himself. The method of payment direct to deputy returning officers and poll clerks commenced in 1921. Prior to that the returning officer used to get a lump sum to pay all his election officers, and out of the 240 returning officers, in my experience, there have invariably been two or three who would grab the money and beat it; that is the reason why the Auditor General insisted upon paying the fees direct to the election officers.

Mr. GLEN: If Mr. Castonguay and the Auditor General are satisfied that this is an expeditious manner of handling these payments I suggest that we let them be the judges.

The CHAIRMAN: The matter has been under discussion by the chief electoral officer, the Auditor General and the Comptroller of the Treasury, and they all agree that this is the most expeditious and possibly not the safest but as safe a way as is possible.

Mr. HEAPS: Do you require an amendment to the act for that?

Mr. CLARK: Does this provide for the payment of other bills besides the returning officer's?

The CHAIRMAN: No.

Mr. CLARK: Is there any provision now to overcome the difficulties of the returning officer in sending in bills? My difficulty was that the returning officer kept the bills for a long time without sending them in.

Mr. CASTONGUAY: There has to be some slight change in the act to put this in operation.

Mr. CLARK: Are the returning officers not appointed for life?

Mr. HEAPS: Oh, no.

Mr. CLARK: The returning officers are still in office.

Mr. GLEN: No, no.

Mr. CLARK: They are still in the *Gazette*.

Mr. MacINTOSH: I think they are gazetted.

Hon. Mr. STEWART: If we were to have a general election within a few months you would have that list, subject to change.

Mr. CLARK: This has caused uncertainty as to what the situation will be. There is no election possible.

The CHAIRMAN: I think we are getting away from the subject under discussion. I would like to dispose of this particular matter. The matter I have mentioned has to be considered, but we are dealing with two different matters.

Mr. CLARK: This plan of paying the deputies and poll clerks is good.

Mr. HEAPS: Is it necessary to have an amendment to the act to adopt this system?

Mr. CASTONGUAY: Yes, a slight amendment would be necessary.

Mr. HARRY BUTCHER, recalled.

The WITNESS: During last year I had a long interview with the Auditor General, or rather with Mr. Stockton who had charge of election accounts, and he told me that the present system of paying election officers is very expensive indeed. He told me that first of all election accounts are sent to the Auditor General's department where they are checked, then a requisition is drawn upon the Comptroller of the Treasury, and the requisition is checked and re-checked. Then the requisition is forwarded to the Comptroller of the Treasury and he has the cheques made out; then the cheques are sent forward to the Auditor General's office and again checked. The cheques are then enclosed in envelopes to be sent forward to the election officials, and each envelope has to be checked as to the contents. All these various checkings have required an immense amount of work. Mr. Stockton was opposed to the proposed system on the ground that there would be abuse of it in some cases. He told me that the suggestion had been made to him years ago; that he was opposed to it then, and he said, speaking to me last year, "I am still opposed to it." I went to the Comptroller of the Treasury and I talked the matter over with him at great length, and he liked the idea, and said it would result in an immense saving in cost.

Mr. HEAPS: What was the abuse that the Auditor General's department were afraid of?

The WITNESS: Mr. Stockton was afraid that these cheques would get into the hands of people who were not entitled to them.

Mr. FACTOR: The returning officer might hand them to a friend of his.

The WITNESS: Mr Stockton would not favourably consider a draft that was suggested, I believe, by Colonel Biggar, when he was chief electoral officer. The Comptroller of the Treasury was convinced that a very great saving in cost would be effected by the adoption of his warrant. He pointed out the warrants would be issued under careful supervision by the chief electoral officer and would be returned to the Auditor General's office for payment, and that there would be but one checking necessary. The staff employed at present in checking election payments is a very large one. From the standpoint of economy, the Comptroller of the Treasury was under the impression it would be profitable to adopt the proposed system. I suggested to him that possibly it might be abused in certain cases, but he said that the abuses would be comparatively few, practically negligible, and that an enormous amount of cost would be saved. Mr. Stockton has been superseded and his successor, Mr. Conley, approves of the idea, I am informed.

(Adopted.)

The CHAIRMAN: At the last meeting an amendment was to be drawn to provide a penalty for employers who interfere in any way with their employees' voting.

The WITNESS: The following is the suggested amendment. It will take the form of a new subsection—section 47 (3):—

> Any employer who, directly or indirectly refuses, or by intimidation, undue influence, or in any other way, interferes with the granting, to any elector in his employ, of the additional hours for voting as in this section provided, is guilty of an illegal practice and of an offence against this act punishable on summary conviction as in this act provided.

Mr. CLARK: Would it be regarded as intimidation if a cotton mill manager made the announcement that if his employees voted a certain way the factory would have to close?

The WITNESS: I judge that would be held to be intimidation.

Mr. HEAPS: That is never done anyhow, is it?

Mr. FACTOR: What is the penalty for a summary conviction?

The WITNESS: I will read the penalty:—

> Any person, who is guilty of any non-indictable offence against this Act which is punishable on summary conviction, is liable to a fine not exceeding five hundred dollars and costs of prosecution or to imprisonment for a term not exceeding one year, with or without hard labour, or to both such fine and costs and such imprisonment, and if the fine and costs imposed are not paid forthwith, in case only a fine and costs are imposed, or are not paid before the expiration of the term of imprisonment imposed, in case imprisonment as well as fine and costs is imposed, to imprisonment with or without hard labour, for such term, or further term, as such fine and costs or either of them may remain unpaid, not exceeding three months.

(Adopted.)

The CHAIRMAN: Now, we have to deal with the oath of an agent where he uses a transfer certificate.

The WITNESS: That was suggested by suggestion No. 25:—

> "That no candidate's agent should be allowed to vote on a transfer certificate until after the agent has subscribed the oath in Form 17 and that the transfer certificate's oath Form 22 should be so worded as to state that this has been done and that the deponent is in fact, or has been acting as an agent for one of the candidates."

Mr. FACTOR: I thought we threw that out.

The WITNESS: No. It was suggested that an amendment should be drawn. The proposed amendment to the act would be an amendment to section 34(4):—

> "Every person so appointed agent, shall, before being allowed to vote by virtue of such certificate, take the oath in Form 22, and such oath shall be filed with the deputy returning officer at the polling station where the person taking it has voted." And the oath would read:—
>
> "I, the undersigned, make oath and say: That I am the person described in the above certificate, that I am actually agent of .....that it is my intention to act in
> Insert name of candidate
> that capacity until the poll is closed, and that I have taken the oath of secrecy in Form 17 of this Act."

Mr. FACTOR: When does he have to make this oath?

The WITNESS: Before he is permitted to vote.

Mr. FACTOR: And the oath of secrecy, Form 17, is taken on his entry into the poll?

The WITNESS: Yes, on his entry into the polling station.

Hon. Mr. STEWART: Is the oath of qualification there?

The CHAIRMAN: The oath is: "That I will keep secret the names of the candidates for whom any of the voters at the polling station in the polling division No..... marks his ballot paper....."

That is Form 17.

Hon. Mr. STEWART: I have known cases where men without qualifications have been appointed agents in another place.

The CHAIRMAN: There is form 22: "I am the person described in the above transfer certificate".

Hon. Mr. STEWART: I thought he had to take the oath of qualification. That covers that he has not voted anywhere else.

Mr. CASTONGUAY: He would naturally have to take that oath if requested to do so.

Hon. Mr. STEWART: Yes. Why not make it compulsory.

The CHAIRMAN: I think there is something in that suggestion.

Hon. Mr. STEWART: I do not want to say what my experience has been, but I have known voters who were known to lack qualifications such as citizenship and things of that kind and who had been appointed an agent from another poll. Some of them have gone in and voted in their own poll and taken an agency and voted in another poll.

The CHAIRMAN: I think we better hold that over and redraft it.

Mr. GLEN: One clause we have had showed where the agent says he intends to act as agent until the close of the poll. Suppose there are two agents there, as a rule both would have to take that oath and stay in the poll.

The WITNESS: Yes, it may be a little extreme, but I think it was intended to meet the case in which an elector is appointed as agent simply in order that he may record his vote at a poll other than the poll at his ordinary place of residence and leave immediately after.

Hon. Mr. STEWART: They ought to be bona fide agents. I remember in one of the other Election Acts that the agent who acted at any place other than the one in which he voted had to take the oath of qualification, and I think it is an excellent provision.

Mr. CASTONGUAY: I think so too.

Hon. Mr. STEWART: In one of the earlier acts, some years ago, that was a provision.

The CHAIRMAN: Well, gentlemen, we will hold that over and have it redrafted. The next item is section 16: "There should be polls in hospitals for patients and staffs." The chief electoral officer draws my attention to the instructions that went out in 1930 which read as follows:—

> "Any hospital or like institution which at an election is likely to have a substantial number of inmates, qualified as voters in the electoral district but unable to leave the hospital to vote on polling day, should be set apart as a polling division by itself if, upon communication with the superintendent, it appears that it is possible and desirable to provide a polling station within the walls at which the votes of the patients and the resident staff may be cast."

Mr. HEAPS: It is discretionary now.

The CHAIRMAN: Yes, with the chief electoral officer.

Mr. WOOD: In my locality you would likely have patients from four different constituencies. How could that be overcome?

The CHAIRMAN: I do not know.

Mr. WOOD: This is more or less going to be discretionary.

Mr. GLEN: Is there any reason why you should change the act?

Hon. Mr. STEWART: This was intended for hospitals where there were a large number of soldiers permanently placed.

Mr. FACTOR: Was a poll established at Christie street Hospital?

Mr. CASTONGUAY: Yes, for several elections.

Mr. HEAPS: If the act is satisfactory as it is, I do not see any reason for changing it.

Mr. FACTOR: I think the number of polls in regard to hospitals should be restricted; the environment of the hospital is such that too much political atmosphere should not be created. The way the act is drawn today leaving it to the chief electoral officer to decide where the poll should be established is wide enough.

The CHAIRMAN: Mr. Castonguay, in issuing further instructions in this regard, had the section worded in this way:—

> "Any hospital or like institution which at an election is likely to have a substantial number of inmates, qualified as voters in the *polling division comprising the hospital itself.*"

Mr. HEAPS: I do not think we can improve upon that, Mr. Chairman. I would say that we allow the clause to stand as it is.

Mr. WOOD: Would that mean that any ordinary general hospital in a city would be given the privilege of a poll in the discretion of the returning officer?

Mr. CASTONGUAY: If there is a sufficient number of electors qualified in that polling division.

Mr. WOOD: In my neighbouring city the hospital has 220 beds and has a staff of maybe 300 people entitled to vote.

Mr. HEAPS: But not in that polling district.

Mr. WOOD: That is it. 40 per cent of them would be in my riding, 40 per cent are from Brantford, and the remaining 20 per cent would be from the adjoining constituency.

Hon. Mr. STEWART: How many polls would be represented there—probably 100 polls?

Mr. WOOD: Would you make that a poll?

The CHAIRMAN: This is really intended to cover a situation such as exists at Christie Street Hospital where they have inmates who are there continuously and are on the list in that division.

Mr. MCINTOSH: They really all belong to the one polling district?

Mr. HEAPS: There is another illustration I could mention. It might be considered advisable to have a poll in or near a hospital nurses' home where there are two or three hundred nurses resident, and a large indoor staff. In this case I can see the desirability of having a poll, but so far as ordinary patients are concerned I think it is impossible.

Mr. FACTOR: There is one institution I would like to see covered. In my riding there is an old folks home with about 120 patients. It is impossible for those old folks to go out. Some of them have tried. Would this relate to an institution of that kind?

Mr. CASTONGUAY: The section reads: "Any hospital or a like institution."

Mr. FACTOR: If a recommendation came to you to establish a poll you would have authority now to establish a poll there, would you?

Mr. CASTONGUAY: Yes, I would.

Mr. MCINTOSH: What is the situation as it now exists? Have many of those people voted in recent years?

The CHAIRMAN: Let us consider Christie Street Hospital as an instance.

Mr. FACTOR: I can tell the committee that at Christie Street Hospital there was a considerable vote in relation to the number of patients in that hospital. In other words, they exercised their franchise almost 100 per cent.

Mr. CASTONGUAY: May I tell the committee that I have had many requests to establish separate polls in various hospitals throughout Canada, but when I explained to the applicants that the right of voting at hospitals is limited to resident patients and permanent patients qualified to vote in the polling division comprising the hospital itself the request was invariably withdrawn.

Mr. HEAPS: They know in these hospitals that the inmates and patients are entitled to vote, but they do not realize that in that hospital there may be 100 different polling divisions represented.

Mr. WOOD: That is the point.

The CHAIRMAN: Suppose we had a motion in this form dealing with suggestion 16: "That the provisions contained in section 18 subsection F of the elections instructions in the 1930 publication be approved"? That would cover the situation. There is a little change there. We want to have it in such form that in drafting the act we will have this in mind.

(Adopted).

We now come to No. 21. Mr. Butcher has endeavoured to arrange these different suggestions so that we can take them up. For instance, there will be a number of them that will be dealt with after compulsory registration has been considered, and others after compulsory voting. No. 21 reads:—

> "That polling places shall be located primarily for the convenience of electors."

We have that now.

Hon. Mr. STEWART: That is supposed to be fundamental.

(Adopted).

The CHAIRMAN: The next is 23: "That in rural electoral districts the land upon which the elector resides should be stated in the list."

Mr. HEAPS: I think that was turned down. I think it was negatived.

The WITNESS: It was allowed to stand.

Mr. HEAPS: Personally, I think it means a lot of work.

Hon. Mr. STEWART: I move that it be rejected. It is impossible to get this accurately.

Mr. MCLEAN: The point is that what is suggested there was always the custom until the last election in making up the lists both in towns and out in the country. They always had a lot number. At the last election that was changed and the post office address was put in. I think it is a distinct advantage.

Mr. CLARK: We do not have lot numbers in my constituency.

The CHAIRMAN: The motion is that the suggestion be negatived.

(Negatived).

No. 24. "That all deputy returning officers, poll clerks and constables should be under the control of the returning officer. That the returning officer alone should appoint these officers."

The WITNESS: As to the number of constables appointed, Mr. Castonguay informs me that in the 1935 general election 11,678 constables were appointed. The number of polling stations were 32,424. Therefore, in 20,746 polling stations the services of a constable were not deemed necessary.

Mr. MCLEAN: Have you figures covering the number of constables paid?

The WITNESS: I presume that the number I have just stated is the number of constables paid.

Mr. MCLEAN: There were a large number of constables appointed and not paid both in 1930 and 1935.

Mr. CASTONGUAY: This number is diminishing all the time. They are being paid gradually.

Mr. MCLEAN: Yes, but I am wondering if the figures that Mr. Butcher has given us for the number of constables appointed represents the number that have been paid?

The WITNESS: The figures represent the number paid.

Mr. MCLEAN: That is not the number appointed, because there were large numbers of constables appointed, but the attitude was taken, and quite properly, that they ought not to have been appointed, and they did not pay them.

Hon. Mr. STEWART: Some of those were appointed by the deputy returning officer without authority.

The CHAIRMAN: I do not understand the suggestion. I thought they were under the control of the returning officer.

Mr. FACTOR: The first part is all right. It is in the act now. The returning officer controls the D.R.O's. I am not so sure of the second part.

The WITNESS: May I quote the provision of the statute dealing with constables:—

"(1) Every returning officer, and every deputy returning officer, from the time he takes his oath of office until completion of the performance of his duties as such officer, shall be a conservator of the peace invested with all the powers appertaining to a justice of the peace, and he may

(*a*) require the assistance of justices of the peace, constables or other persons present, to aid him in maintaining peace and good order at the election; and

(*b*) on a requisition made in writing by any candidate, or by his agent, or by any two electors, swear in such special constables as he deems necessary; and

(*c*) arrest or cause by verbal order to be arrested, and place or cause to be placed in the custody of any constables or other persons, any person disturbing the peace and good order at the election; and

(*d*) cause such arrested person to be imprisoned under an order signed by him until an hour not later than the close of the poll."

Mr. FACTOR: As far as constables are concerned.

The WITNESS: Yes.

The CHAIRMAN: How can the returning officer appoint a constable?

Hon. Mr. STEWART: These are special constables. He cannot appoint the ordinary kind.

The CHAIRMAN: If a constable is required at a poll in the event of some trouble taking place, the deputy returning officer has been able to swear in a constable. He could not get in touch with the returning officer on election day.

Hon. Mr. STEWART: This section would remain as it is.

Mr. McLEAN: These constables are not appointed under the circumstances you suggest. These constables are appointed by the deputies on the assumption that they are needed there to keep order.

Mr. CLARK: Is the constable the door-keeper now?

The WITNESS: Yes.

The question of the appointment of poll clerks is also raised by this suggestion. Section 25 of the act reads as follows:—

> "Each deputy returning officer shall, forthwith after his appointment, appoint by writing under his hand, in form No. 12, a poll clerk, who before acting as such shall take the oath in form No. 13."

The deputy returning officer is appointed by the returning officer.

Hon. Mr. STEWART: That does not touch the point.

Mr. CASTONGUAY: According to the present procedure the poll clerks are appointed by the deputy returning officers and the constables are also appointed by the deputy. The suggestion now under consideration is that those two classes of election officers should be appointed by and should be under the control of the returning officer himself.

Mr. McLEAN: Coming back to the constables again, I think the returning officer ought to appoint the constables. There are polls—not because of the danger of disorder or violence, but because of the congestion—where there ought to be someone in charge of the polling places, and I think in every riding there are a few such places; and if the returning officer only were permitted to appoint the constable you would not have deputies here, there and all over, on the solicitation of some friend, appointing somebody as constable, and you would not have all the trouble arising in that connection. So far as poll clerks are concerned, I do not know whether it makes much difference. I do not see much objection to having the deputy appoint them. I think, however, that in so far as constables are concerned the returning officer and not the deputy returning officer ought to appoint the constable.

Mr. RICKARD: I think the returning officer will have just as many friends as the deputy.

Mr. McLEAN: The returning officer necessarily would have to give reasons why the man should be paid.

Mr. HEAPS: If you give the D.R.O. the right to appoint a constable at each poll there will be a constable at each poll. That is my experience of elections.

Hon. Mr. STEWART: The poll clerk represents a point of difficulty, because in the case of illness or incapacity of the deputy returning officer the poll clerk must assume charge of the poll, therefore it is important that in all cases we should have a high type of man as poll clerk. Unfortunately, in some cases that is not true. I do not know whether this would get a better type than the other way.

Mr. HEAPS: You get the same type this way as the other way.

Hon. Mr. STEWART: Then you are no better off.

The CHAIRMAN: Personally, I believe the suggestion is all right if you cut out the poll clerks. I would not like to see a change made in connection with the deputies appointing poll clerks. You are going to be subjected to a lot of criticism.

Mr. McCUAIG: There should be some restriction with regard to constables. The situation was ridiculous the last couple of elections. One would go to a small country village and find a constable there. I had occasion last year to look into a case where complaint was made that the constable had not been

paid. It was about the smallest poll in the whole riding, and still they had a constable.

Mr. RICKARD: I had a case in my riding where they had to send for one of the provincial constables to come; there was not a constable appointed and we had to send for a provincial constable.

The CHAIRMAN: Are there any Irishmen in that poll?

Mr. RICKARD: There are some.

Mr. HEAPS: As regards the constables I have seen at polling booths on election day—constables who have been appointed by the D.R.O.—as a rule they have not been worth anything. They would never stop any disorder if there was disorder.

Hon. Mr. STEWART: They are just as likely to start it.

Mr. WOOD: Has not the deputy returning officer any power vested in him for keeping order?

The WITNESS: Clause (a) really covers that point. The deputy returning officer has the power to require justices of the peace, constables and other persons present to aid him in maintaining peace and good order at the election.

Mr. WOOD: I suggest that we might eliminate the constable and let the civic authorities maintain order, and if anything were to happen invest the deputy with power to enlist anybody who is there, if necessary.

The CHAIRMAN: Gentlemen, I think we have to leave it in the power of the deputy returning officer to appoint a constable if it becomes necessary.

Mr. WOOD: Yes, if it becomes necessary.

The CHAIRMAN: Take the case where a couple of fellows get a bottle of homebrew and start hanging around the poll.

Mr. MCLEAN: I think so too, and I think it should be made very clear in the instructions that he is to appoint a constable only in case of emergency.

The CHAIRMAN: How would it be if we negatived this suggestion and tightened up that section in the act?

Mr. HEAPS: May I ask you, if you are going to leave this, what you have done with item 22.

The CHAIRMAN: We have not disposed of this yet. The motion is that we negative the suggestion and put the control under the returning officer. (Negatived.)

Mr. HEAPS: Are you going to do anything about item 22?

The CHAIRMAN: 22 will come after we have disposed of compulsory voting.

Hon. Mr. STEWART: It seems to me we could dispose of that right away. In my opinion it is an unreasonable suggestion. I do not think it should be an offence for me to have your card if I am going to get you out for the election, or anything of that kind, to identify you. In my opinion it goes too far altogether. Under any circumstances a man leaves his card in the committee room.

The CHAIRMAN: The suggestion says, " Any postcard notice of polling place other than a card addressed to him personally."

Hon. Mr. STEWART: I could have my wife's card or my son's card and take it down to the committee room and say, " here, this is my address, the address of my son and my wife," and leave the card there and arrange to get them up on polling day.

Mr. HEAPS: It is done for a specific purpose, and not for the purpose of trying to prevent any honest person from casting a vote. I have a definite illustration. There was a woman who went around collecting these postcards wherever she could get hold of them, and in certain cases, where she could not get

them, I know she offered so much for the postcard. And I go beyond that. I saw the postcards to my own knowledge, in some instances, used on election day for what is commonly called impersonation, because when a person who has a postcard in his possession goes to a poll to cast his vote and presents a postcard to the deputy returning officer, it is *prima facie* evidence of the right of that person to vote. Now, if that is done to a large extent it could affect the result on election easily. A person could go around and collect a large number of these postcards and then have some persons go and vote in the names of those to whom the postcards have been addressed. I think I mentioned previously that in my riding during the last federal election a man was actually caught impersonating with a postcard in his possession. He came into the poll and handed the postcard to the D.R.O., demanding a vote in the name of the person on the postcard. After a little hesitation on the part of the D.R.O. and some cross-questioning the man admitted he was not the person but that the postcard was given to him by another individual to vote under that name. He was apprehended and came before the magistrate at Winnipeg and was sentenced, I believe, to either one or two year's imprisonment. The sentence was made heavy for the reason that he refused to divulge the names of those who gave him the postcard because, naturally, it would get to the organization that was responsible for doing an illegal act. But it was not an illegal act. My own idea is to make it an offence for any person to use such a postcard for purposes to which I have referred. This man got what was coming to him, but it is hard to catch them. This was the first man who had been caught. There should be something in the act that would work as a deterrent to stop people going around and collecting these cards.

Mr. McLEAN: Surely poll clerks with ordinary intelligence would not think of accepting those postcards.

Hon. Mr. STEWART: The people are qualified to vote. There is no evidence at all.

The WITNESS: There are four suggestions relating to these notifications postcards: No. 17 reads, "Advising voters by card as to time and place of poll should be abandoned"; No. 22 reads, "That it should be an offence for any elector to be in possession of any postcard notice of polling place other than a card addressed to himself personally"; No. 49 reads, "That notification postcards should have a return address;" No. 61, "That the notification card sent to each elector should have a line on the top reading as follows: 'present this card on the day of election to the deputy returning officer for identification'."

Mr. McLEAN: No, no.

Mr. HEAPS: I do not mind it standing over because I know your difficulties with the question of compulsory voting; but with regard to these postcards I would like to see something go into the act to safeguard the honest electors.

Hon. Mr. STEWART: It is a difficulty that crops up in a few large cities where there is personation. In the average rural constituency or the small town there is no chance of anything of that kind occurring; and, therefore to make a provision which, after all, probably would not be effective in a few constituencies, and handicap and embarrass the rest seems to me not to be sound.

The CHAIRMAN: The motion is that we negative the suggestion.

(Negatived.)

The CHAIRMAN: The next is: —

> "That no information as to the names and numbers of the electors who have voted should come out of the polling station during polling day. That any candidates' agent who leaves the polling station must not be allowed to return. That only the candidate or the official agent be allowed to visit the polling stations on polling day."

The WITNESS: May I point out that section 51 reads: "That candidates' agents should be permitted by law to absent themselves at will from the polling station."

The CHAIRMAN: This would be a rather stringent regulation.

Mr. HEAPS: What has been the abuse up to now?

The CHAIRMAN: I have not heard of any.

Mr. HEAPS: If there has not been any abuse I do not think there should be any change.

The CHAIRMAN: Mr. Heaps moves that the suggestion be negatived.

Mr. CASTONGUAY: In that connection, I might say that the act might be clarified. The act is silent on that point, and because it is silent, I was asked many questions on that subject at the last election and in every instance, I replied that it could be done, I inferred from the fact that the act was silent, that it was all right to do so. I think the act should state distinctly that it can be done.

(Negatived.)

The CHAIRMAN: Next is suggestion 51: "That candidates' agents should be permitted by law to absent themselves at will from the polling stations."

Mr. HEAPS: What prevents them from doing it now?

The CHAIRMAN: There is nothing in the act at all.

Mr. HEAPS: He may be compelled to go out.

The CHAIRMAN: I cannot see any objection to it.

Mr. HEAPS: I do not like to clutter up the act with a lot of must-nots and shall-nots and don'ts.

The CHAIRMAN: It will clarify the matter if difficulties have arisen with the chief electoral officer in this connection.

Mr. HEAPS: I have known them to go out sometimes to get a bite to eat and go back.

Mr. CASTONGUAY: The difficulty is that the law is not explicit, and there is always some person who takes the position that it is not permitted, and it leads to many arguments. I receive many telegrams on that point.

Mr. HEAPS: If it is clarified it is all right.

Mr. WOOD: Is there some other section of the act that must draw attention to the fact that they cannot, or it would not be necessary to have this section put in? Why mention this at all? Why not let it be? These are free citizens and can go in and out.

The CHAIRMAN: One of the difficulties is that you get some wise guy attending at a poll and he is able to put up quite an argument, and possibly keep the man out.

Mr. HEAPS: There is one point that occurs to me. If the man goes out he should have temporary relief so nobody could take his place. If you could have a man leaving and somebody taking his place you might have two or you might have four or five men for one candidate.

The WITNESS: There can be only two agents in the poll at any given time, representing the same candidate.

Mr. HEAPS: If he has business to leave, I think there should be some understanding that he will come back.

Hon. Mr. STEWART: You cannot have more than two.

Mr. HEAPS: If he goes out he should say that he is returning.

The CHAIRMAN: There cannot be more than two there at any one time.

Mr. HEAPS: Suppose he is out for two or three hours and the committee room sends somebody else?

Mr. WOOD: You would have to have a voucher from the returning officer.

Mr. HEAPS: I think he should be given temporary relief.

The CHAIRMAN: I think that would be covered now, Mr. Heaps, by the way the law reads now. There are only two allowed there. The agent has to have proper authority to appear, and if one man, for any reason, has to be away for two or three hours it is only reasonable that someone should be able to relieve him.

Mr. HEAPS: No. There are difficulties.

Mr. MCLEAN: Under the act now you are not permitted to have more than a total of two.

The CHAIRMAN: No. You have one outside and one inside.

Mr. MCLEAN: If a man has to leave the poll nobody else may take his place under the act as it is now apart from the second man.

The CHAIRMAN: Yes, just the second man.

Mr. HEAPS: Is that correct? Suppose I had in a poll a scrutineer acting for me and at noon he said, "I want to leave now for three or four hours," and suppose we have another man there in addition, could I substitute him for the man who is leaving?

Mr. CASTONGUAY: Certainly. As long as you have not more than two agents.

Mr. HEAPS: That is where the difficulty comes in. I think if a man is leaving a poll and he is my agent and he wants to go out for an hour or two he should have temporary relief and he should not be substituted for.

Mr. MCLEAN: Do you mean that a man may have four agents in one poll?

Mr. CASTONGUAY: It often happens at the opening of the poll that a candidate is not represented and two electors undertake to represent him. Later on two other persons come along with the proper authorization of the candidate and they take the place of the other two. In such cases one might say that there are four agents representing that candidate. The provision of the Act on that subject reads as follows:—

> An appointed agent may arrive at any time during the day, and if an elector without an appointment has acted before his arrival, the latter loses his right to continue if the appointed agent desires to replace him. The written appointment of any agent for a candidate will be delivered up to the deputy returning officer and by him placed in the envelope provided for that purpose.

Mr. RICKARD: If an inside scrutineer wants to be there for half a day you appoint another man to take the rest of the day. When the first man goes out at noon, the other man takes his place.

The CHAIRMAN: We have all done it. There is no express authority in the act.

Mr. CASTONGUAY: Yes, while there is no express authority, there is nothing in the act to the contrary.

Mr. HEAPS: All we are trying to do now is to deal with the temporary absence of an agent from the poll.

The WITNESS: Section 43 (3) reads as follows:—

> No returning officer shall issue certificates under section 43 purporting to entitle more than two agents for any one candidate to vote at any given polling station, and no deputy returning officer shall permit more than two agents for any one candidate to vote at his polling station on certificates under section 43.

Mr. HEAPS: That does not cover it.

The CHAIRMAN: The only question we are discussing is that candidates' agents should be permitted to absent themselves from the polling station.

Mr. HEAPS: Why is there not a clause in the act? Could not that go out from Mr. Castonguay's office?

The CHAIRMAN: I have one concrete instance of where an agent was objected to and not allowed to appear in a polling station after he had gone out.

Hon. Mr. STEWART: That would be old law, and it still lingers in the minds of many of the older officials: if you come in in the morning you are fixed there for the rest of the day; and if you find an arbitrary returning officer who takes that position, you are in difficulty.

The CHAIRMAN: This man could not refer to anything in the act that permitted him to come back and the deputy returning officer shut him out.

Mr. MCLEAN: I am not so sure it is not in the best interest of the orderly conducting of the vote. It is very easy to make a poll disorderly if you have an agent permitted to rush out and come in. I did not know that an agent was not permitted to go in and out of the poll.

The CHAIRMAN: In most polls he goes in and out.

Mr. MCLEAN: Yes. The general impression was that he was not entitled to it, but the deputy permitted it, and he had behaved himself pretty well or he would have been refused the privilege.

The CHAIRMAN: Shall we leave the act as it is or give express authority?

Mr. MCLEAN: I do not think it would be advisable to give express authority for them to be running in and out of the poll.

Hon. Mr. STEWART: If the act contained instructions and if in those instructions a clause were inserted that the agent might with the permission of the returning officer or deputy returning officer leave from time to time, I wonder if that would cover it? It would make it law if there is some provision put in in the instructions and approved by the act.

The CHAIRMAN: Could we have a motion to that effect directed to the chief electoral officer?

Hon. Mr STEWART: Yes, to draft some sort of clause to cover the matter in those instructions.

Mr. MCINTOSH: At that rate he could go in and out as often as he liked.

The CHAIRMAN: No. I think the deputy returning officer in his discretion, could give leave.

Mr. MCLEAN: I think you would cause a great deal of trouble if you leave it to the deputy.

Mr. HEAPS: You would have to give a lot of discretion to the deputy.

Hon. Mr. STEWART: Oh, yes, certainly.

Mr. CASTONGUAY: The act is not definite at all. Section 34 which deals with the candidates' agent reads as follows: —

> "In addition to the deputy returning officer and the poll clerk, the candidates, and their agents not exceeding two in number for each candidate in each polling station..."

That is very indefinite with regard to the number of agents he may appoint for any one poll.

Hon. Mr. STEWART: Those are people who are required to be present.

Mr. CASTONGUAY: Yes.

Hon. Mr. STEWART: They are entitled to be absent.

Mr. CASTONGUAY: The act is silent on that.

Mr. CLARK: It should be confined to the same two, surely.

Mr. HEAPS: No. I would not go as far as that, although I prefer a reasonably strict application. You might have one for half a day.

Mr. RICKARD: I do not think we should loosen this up so that these men can go out when they like.

The CHAIRMAN: How would it be if we have Mr. Castonguay and Mr. Butcher redraft that section to meet the objections they seem to have received in connection with it, and we will consider what they redraft.

Hon. Mr. STEWART: I think it would be all right to allow either one of those two to go in or out

Mr. MCLEAN: I think the candidate should be limited to two candidates for the whole day. I did not know that more than that were allowed.

Hon. Mr. STEWART: You can get along with one if one has to go out.

Mr. CASTONGUAY: Not more than two agents should be appointed in any case. (Stood over).

The committee adjourned to meet Tuesday, February 23rd, at 11 o'clock a.m.

HOUSE OF COMMONS, ROOM 429,

TUESDAY, February 23, 1937.

The Special Committee on Elections and Franchise Acts met at 11 o'clock, Mr. Bothwell, the chairman, presided.

The CHAIRMAN: Gentlemen, at a previous meeting we held over suggestions 4 and 6. Last year Mr. Stevens had something to say about these two suggestions and we thought it advisable to hold them over until Mr. Stevens could be here. No. 4 reads:—

> A candidate's expenses should be limited by law to a certain amount per head of the voting population of the constituency in which he is running.

Hon. Mr. STEVENS: Well, my own view is that they should be.

The CHAIRMAN: Possibly you could elaborate that a little bit. We had a little discussion the other day.

Hon. Mr. STEVENS: What shocks me, Mr. Chairman and gentlemen, is this—and in anything I am saying now I am not reflecting upon any candidate or party because it applies to a number of different ridings and it affects different parties; so let us eliminate that feature of it and just stick to facts—it is well known that in some constituencies in the last election and other elections over $50,000 were spent on each candidate or on more than one candidate—put it that way so we will not be indulging in any reflections upon parties. Now, that, to my mind is a ghastly thing. It is not limited to one riding; there are a great number of ridings, or at least a number of ridings where that occurred. I know of one instance where a very prominent gentleman told me that his organization had spent $75,000.

Mr. MACNICOL: Mr. Cahan said that in parliament, you will remember.

Hon. Mr. STEVENS: Yes, in parliament. Now, let us get this clear. I am not now reflecting upon any party or upon any particular individuals or anything of that kind, but I am saying that any democratic system, so called, that permits the expenditure of such huge sums as that has something radically wrong about it. We might as well face this fact, too: those who put up the money expect to get a return for it. Now, that again does not mean that it is to be done in some miserable bribing fashion, but it means that they are influenced when any interest that affects them comes to the front—that they are influenced because their contributions will ensure them receiving the treatment they desire to receive. Now, that is absolutely the negation of democracy. Of course, the law imposes some limitations now, but that is just a byword. My suggestion is that we should take that particular feature of the present law and put teeth into it.

The CHAIRMAN: There are pretty good teeth in it now, but nobody lives up to it.

Mr. HARRY BUTCHER, recalled.

Mr. MACNICOL: Perhaps Mr. Butcher can tell us something about the limitations in other states and countries. I have read the list myself, but I have not got it with me; that is the list of limitations in other countries.

The WITNESS: Mr. Chairman, in Great Britain the expenses of a candidate are limited to sevenpence per elector in a county, fivepence per elector in a burough returning less than three members; and fourpence per elector in a burough returning three or more members. There are no three or more member buroughs at the present time, but I am quoting the law.

In Australia the candidate in a senate election is limited to 250 pounds.

The CHAIRMAN: What does that mean; does that mean personal expense?

The WITNESS: Total expense.

Mr. PARENT: Total expense in running an election?

The WITNESS: Yes. Election to the House of Representatives, 100 pounds. Expenses are restricted to printing, advertising, publishing, issuing and distributing addresses by the candidates, notices of meetings; (2) stationery, messages, postage and telegrams; (3) committee rooms; (4) public meetings and halls therefore; (5) scrutineers.

The CHAIRMAN: 100 pounds, you say?

The WITNESS: 100 pounds.

Hon. Mr. STEVENS: I do not wish to make any boast, but you have spoken about 100 pounds or $500. That is very small, it is true, but I venture to say that in western Canada there are dozens and dozens of individuals who did not spend any more than that; and I know that in my own case at the last election our total expenses, as nearly as I can recall, were about $1,300. That is a very big riding. It can be done, and that is the point I am making.

Mr. JEAN: I do not think it can be done in large cities, because when we are holding meetings we have to pay for the halls in which we meet and we have to pay a certain amount of expense in connection with each meeting if we are going to have meetings in all sections of the constituency; therefore, it means a considerable amount. I can say from my own experience that I held about fifty meetings in my constituency and you can see what that means in the matter of expense for the renting of halls, the sending out of circulars and the advertising of the meeting.

The WITNESS: In the United States of America for federal elections, I have the following: a candidate for election as senator may spend $10,000, or 3 cents per vote cast for his office at the previous election, but the amount is not to exceed $25,000.

Hon. Mr. STEVENS: That is a much larger constituency.

The WITNESS: In the case of a candidate for election to congress he may spend $2,500 or 3 cents per vote cast for his office at the previous election, but the amount is not to exceed $5,000. But if the limitation placed by the state for state elections is lower, the lower rate prevails.

In Ohio a representative for congress may spend on his election $2,000; in Montana and Oregon he may spend not more than 15 per cent of one year's compensation for the office for which he is candidate, and $100 payment towards a common campaign pamphlet.

In Wisconsin a candidate for senatorship may spend on his nomination $5,000 and on his election $2,500; candidates for representative may spend $1,750 for nomination and $875 for election. In Massachusetts a candidate for senatorship may spend for nomination $5,000 and for election $10,000; and for representative, for nomination $3,000 and for election $6,000.

Mr. MACNICOL: Are you referring now to state senators?

The WITNESS: No, these are federal senators.

In South Africa a candidate's lawful expenses may include expenses in connection with:—

1 Central committee room and one committee room for each polling district.
1 Election agent and four sub-agents within the division.
2 Polling agents at each polling station.
1 Clerk and one messenger for each polling station.
Gasolene for motor vehicles used by or on behalf of a candidate to carry voters to and from the polls.

But the total expenses (not including personal expenses) must not exceed:—

Where the number of voters on the list of voters for the division does not exceed 5,000—500 pounds.
Where the number of voters exceeds 5,000—an additional 5 pounds for every one hundred voters.

The CHAIRMAN: Is that supposed to include the costs of the election or are other individuals entitled to contribute to funds to pay for advertising and halls and such things?

The WITNESS: I imagine so. These are the candidate's expense; nothing is stated about expenses incurred by other individuals.

Mr. MACNICOL: You said in respect to a representative for congress that the amount allowed is 3 cents.

The WITNESS: Per vote.

Mr. MACNICOL: Three cents per vote.

The WITNESS: Per vote vast at the previous election for the office as representative or senator as the case may be, but the amount must not in any case exceed $25,000 in the case of a senator or $5,000 in the case of a representative for congress.

Mr. MACNICOL: I am not entirely opposed to Mr. Stevens' suggestion. Apparently, to-day the sky is the limit. I believe that the hon. Mr. Cahan when speaking in the House of Commons when the Election Act was going through the house—the present Election Act—my memory is not very clear—stated that his election had cost him—I cannot recall the sum but a large number of thousands of dollars. Whether his election return gave all that or not, I have no recollection. At present if a candidate is not careful, and if he does not refuse to pay scrutineers, as I do—I refuse to pay lots of electoral expenses which are paid elsewhere and in that way I have been able to keep my election expenses within what I can pay. I do not ask anybody else to put up anything. But there is some limitation needed. About what amount did you have in mind, Mr. Stevens?

Hon. Mr. STEVENS: I think it needs a great deal, shall I say, of consultation among ourselves. For example, let us take large cities like Montreal, Toronto, Winnipeg, Vancouver or Hamilton—cities of that kind—at election time owners of halls or large auditoriums usually hold up political parties. Practically there is a double charge made in some cities, and newspapers charge a double rate per line for advertising. There are reasons for this no doubt, but it is merely part of the piracy that occurs in connection with election expense; they know that funds come fairly easily in some instances and therefore, they want to get their share.

Mr. PARENT: They think they come easily.

Hon. Mr. STEVENS: Yes; and it has become a practice or a custom or a habit to charge exorbitant rates in election time. So while I recognize all that, I think if we had a limitation there would be a tendency to break away from these piratical customs and to deal with elections as they should be dealt with—as a great public service and a discharge of public duty. It was with that in mind that I suggested limitation.

For instance, in rural ridings the expenses might be very low because halls usually are rented very cheaply and committee rooms cost very little, but in the cities where they have to rent separate premises for committee rooms and have to rent huge halls that will hold 10,000 or 12,000 or 20,000 people, that calls for larger expenditures.

Mr. MacNicol: With regard to the basis of some of the rates per voter, was it for voting or per number on the list?

The Chairman: Per voter at the previous election.

Mr. MacNicol: Well, in the case of the riding I represent the vote at the last election was, approximately, a little less than 30,000; it might not have been over 28,000.

Hon. Mr. Stevens: The total vote cast?

Mr. MacNicol: The total vote polled. At a rate of 5 cents per voter—that was one of the rates you quoted—

The Witness: Three cents in the United States.

Mr. MacNicol: Three cents in the United States—that would make it $900.

Hon. Mr. Stevens: $9,000.

The Chairman: $900.

Mr. MacNicol: At 5 cents it would make it $1,500. At 10 cents a voter it would make it $3,000. I could not expect to get off at less than that.

The Witness: I might direct your attention to the fact that in Great Britain a candidate is allowed to spend 14 cents per elector in the county and 10 cents per elector in a burough returning less than three members.

Mr. Parent: I do not think it would be a good thing to put a value of 5 cents on a vote; the electors might not be pleased to hear that we were quoting them at that price; but I believe if we could restrict the candidate to such expenditures as will involve having the right to have not more than one central committee, to do away with posters and to be limited to one or two addresses over the radio, to control the rates on the radio as well as for the press, and to limit candidates to a certain number of lines during the campaign—supposing a candidate was not allowed to have more than 300 or 500 lines and to be charged the minimum rate that the papers usually charge—that might be all right Mr. Stevens repeatedly pointed out that in some instances candidates have to pay three or four times the rate of ordinary advertising just because there is an election. There is also the matter of the control of these electoral sheets that come out at the time of the campaign. They go to a candidate and put him in this position that if he does not advertise in that kind of paper during the election—they are asking $200 or $300 for the advertisement—they will start a campaign against him, which is the equivalent of blackmail. I suggest, however, that it would not be a good move to put a value of 3 cents or 5 cents on each vote.

Mr. MacNicol: It is a matter of 3 cents or 5 cents in expense—the total number of votes. For instance, a riding with 30,000 voters at 5 cents would be limited to an expense of $1,500.

Mr. Parent: $1,500. Still that is equivalent to saying a vote is worth 5 cents.

The Chairman: No. Of course, you would have to pay certain expenses—the rent of halls out of that.

Mr. MacNicol: I think Mr. Stevens' suggestion has some merit. As to how it can be applied I do not know. The present act is fairly stringent if it is adhered to. I do not suppose it is adhered to definitely; but this particular clause, Mr. Chairman, might be left over for a final meeting, and in the meantime the members could think the subject over.

[Mr. Harry Butcher.]

The CHAIRMAN: If we did fix any amount would it not be well for us to take the quota that is allotted to different constituencies—for instance, in the last redistribution it amounted to about 44,000—and work out a lump sum on the basis of that quota.

Hon. Mr. STEVENS: I wonder if I could ask Mr. Butcher to read that South African provision; it has appealed to me as rather strong.

The WITNESS: The candidate's lawful expenses may include expenses in connection with: one central committee room and one committee room for each polling district; one election agent and four sub-agents within the division; two polling agents at each polling station; one clerk and one messenger for each polling station; gasoline for motor vehicles used by or on behalf of a candidate to carry voters to and from the polls. But the total expenses (not including personal expenses) must not exceed: where the number of voters on the list of voters for the division does not exceed 5,000—500 pounds; where the number of voters exceeds 5,000—addition 5 pounds for every 100 voters.

Mr. MACNICOL: That is too expensive for us in Canada. They dig gold out of the ground down there; we cannot.

Hon. Mr. STEVENS: That is away below what most constituencies cost.

Mr. MACNICOL: Five hundred pounds for a hundred voters would mean twenty thousand dollars in my constituency. I would stay at home.

Mr. PARENT: There is one provision in the act which seems strange to me. I am now referring to the agent. He is the man who does all the dirty work, and is outside the control of the candidate. I believe that a candidate should have more to say in the direction of his campaign.

Mr. HEAPS: Control of the dirty work.

Mr. PARENT: Yes, and stop it. We are not supposed to know what is going on behind us. Many things are done, subscriptions are received and we are not supposed to know anything about it. If we control that we can check it up, and in that way we can prevent certain things happening that have taken place in past campaigns. I can tell you of my own personal experience. I reduced expenses in my constituency by $33,000. That seems extraordinary—

Mr. HEAPS: It certainly does.

Mr. PARENT: In my constituency it used to cost $45,000 to run an election. I said to my people, "if you take me for a darned fool, I am going to stay home. I am not going to spend that amount of money to be elected as a member of parliament; it is not worth it. I am going there to work for you, but I am not going to spend $40,000 to do it." I pitched out the whole organization, and ran the election myself. I controlled it. I said, "you cannot do this and that." Other members who were elected before me left everything to the agent, and did not bother about it. They used to have forty committee rooms. Every person who had a vacant room in his place would come to the agent and arrange to have it rented. Then they had clubs of bowlers and horse-shoe pitching. There were a hundred clubs that had to be paid $100 each to get their support. The member who preceded me was the Hon. Mr. Dupré, Solicitor General in the last cabinet. These men would get the same amount from each candidate. I am being very frank with you. I said, "do you take me for a sucker?" I told them that I was not going to do that, and that there would be no horse-shoe pitching clubs—

Hon. Mr. STEVENS: If we had a little more open confession of that kind it would be a help.

Mr. PARENT: It is a type of blackmail, almost. We come here to work for our electors and the country. That is my view, and that is the reason I am here. I told them that I was not coming up here to give them jobs, but I would do my best, and if I could get jobs for them they would get them. I said that I was

not going to impose on my country expenses that my country could not afford and that if they were not satisfied with me at the end of the five years I would go back home. My campaign was run on the philosophy that high tariff or low tariff was best for the country. There was no mud slinging at all in my constituency, and we cut the expense by $33,000. I did not even open the election laws. I ran my campaign and I told my men that I was going to run it. They said, "that is all right; we trust you." And the fellows that came to me with a little room about four feet wide that used to rent for $25 and $50 received the reply that it was none of my business; that it did not interest me. Then, take the posters that are distributed around the city at an election time. I did not want any of them, as it is a very expensive form of advertising. The same applies to the high newspaper rates. When they came to me I told them that it was not worth it; that they would not get any money from me until they reduced their rates proportionately to that charged commercial houses. There is where I gained some little experience. If you indulge in advertising to any great extent it becomes a case of where one challenges the other and you get into a poker game, and as time goes on the stakes get higher. I am just giving you my experience, which is very limited, as I am a young member. Mr. Stevens has had a much wider experience, and I want to endorse what he said. The law as it stands to-day puts you in the strange position of not knowing what your agent is doing. You give him a free hand and he runs up expenses that you know nothing about. When the election is over he comes and tells you that he did not want you to know such and such a thing because under the law you were not supposed to know it. He also says that he has a little account of some $600 or $700 which was incurred on behalf of some man who controlled some fifty voters in a certain part of the city, and he thought it was better to get him. These things are ridiculous. I have in mind an instance of a chap who was supposed to be a labour chief. He was paid $1,500 to make a speech for one of the candidates. The other candidate heard about it and told his man to go after him and pay him $2,500 not to speak. That is the fact. They paid the man, and he made two speeches for the chap that gave him $2,500. Then he goes to the mountains until the election is over, as the other party was looking for him to raise the ante. You get a lot of that blackmail business. If the candidate was allowed to intervene he could deal with matters of this kind. I believe this is one of the weakest sections of our law. The candidate is made to look like a saint and his agent is the devil. He can do nothing. I have not had much experience, as I am just a young member—

Mr. MacNicol: You are a statesman.

Mr. Parent: I am just giving you my viewpoint. I do not care, so far as my electors are concerned, because I told them all about it. As I said before, I have cut the expenses in my constituency by $33,000. I believe the question of the electoral agent should be thoroughly examined. I do not see why a man who runs as a candidate for parliament should not have his head on his shoulders and take charge of the organization work of his own constituency.

The Chairman: If it is the opinion of the committee that we should try to draft some clause in which there will be a limitation put on the expenses, it will mean the redrafting of section 62 and section 63 of the act. Under section 62 of the act a candidate's personal expenses are limited to $1,000. That is the only limitation put on. The other expenses are incurred by the agent and paid by him.

Mr. Heaps: Mr. Chairman, is not this question the same as many other questions we are considering here? This question seems to be tied to some of the others, compulsory voting, etc. If we adopted compulsory voting would it not have a deterrent effect upon the amount the candidate would spend in an election?

The CHAIRMAN: I think it would have some bearing; it seems to me we can reasonably decide on the point as to whether or not we should have the limitation changed. If we decide that matter we shall then have to draft a section, and the amount to be decided on would be inserted later.

Mr. HEAPS: I am in favour of having a limitation on the amount expended by a candidate in an election. I quite agree with what my friend from Quebec has said. I believe that the spending of money is a vicious practice and I do not think it has the effect upon the elector that some people seem to think. I have run elections for less than $900, an election in which thousands and thousands were spent against me. Some have been more expensive than others, but even in the last election in which 28,000 people voted in my constituency, my own expenses ran something under $1,800. It was a very expensive election so far as I was concerned. There is no reason why a somewhat similar condition should not obtain in other constituencies. Personally I would favour having a maximum set to be spent by candidates, the amount of the maximum to be determined after we have come to a decision as to whether we are going to have compulsory voting or not.

Mr. MCINTOSH: These high amounts that are expended are mostly expended in Ontario and Quebec, are they not—I do not know about the Maritimes.

Mr. HEAPS: I have seen them spent in the west as well.

Mr. MCINTOSH: As far as I know these vast amounts are never spent in western constituencies.

The CHAIRMAN: You hear rumours of money spent in various places.

Mr. HEAPS: I have seen amounts spent in the west, but not in comparison with the east.

Mr. MACNICOL: A lot depends on the election agent. In my riding I have a very capable man as election agent. He was honest; he had a keen grasp of business, and he made up his mind to act fairly. I had to coax him to act. I respected him because of his ability, and I will say that he looked after the election expenses just as if the money were his own. I am convinced that he cut down my expenses very materially.

Hon. Mr. STEVENS: Mr. Chairman, Mr. Parent in his remarks put his finger on a point which is of great importance; that is, the question of the relationship of the election agent to the candidate. From long experience I can truthfully say that under oath I could not tell a court or this committee or parliament what has been spent on elections, except the last election, in my behalf. It is done by the election agent. The candidate does not know a thing about it, and under our practice or custom that has grown up over the years candidates are not supposed to know anything about it. Mr. Parent was perfectly right about that point and it is a source of serious abuse. There is no doubt about that. It is a point that should be very seriously considered in our drafting of any amendments to the election act. It is not as simple as it sounds, the limiting of expenditure. I am quite aware of that. It is not by any means as simple as it sounds. You could put in the act the limitation of $5,000, or $2,500 or something of that kind, and apparently the law would be observed whereas as a matter of fact it would not be observed, not any more than it is now. The step which we took in one of the revisions some years ago limiting personal expenditure was very good, but it is just a joke because in his behalf either by the election agent or by organizations that support the candidacy of the individual moneys are expended very lavishly in many instances, of which no account is given whatever. I think every member of parliament is in the same position as I am. They can stand up and positively swear they had no knowledge of what was spent. They do not know; and as Mr. Parent very properly says they are very often told it is not their business; that the less they know about it the better.

The CHAIRMAN: I should like to interject a question there. Take an isolated community where the electors get together and collect a little fund and spend the money. The candidate knows nothing about it; the election agent knows nothing about it. They collected the fund among themselves and opened a little committee room—

Mr. MCINTOSH: That would not be considered.

Hon. Mr. STEVENS: That does not amount to much.

Mr. PARENT: Of course, you can let it go.

Hon. Mr. STEVENS: What we do know is this: in a very large number of ridings in this country, particularly in the urban ridings, large sums of money are actually expended and there is no record of it, no return of it and no acknowledgment of it. That is an abuse that I think we should attempt to eliminate from the act if we can possibly do it.

Mr. CLARK: I do not understand Mr. Stevens' references to the election agent and the candidate not knowing what he does. I think the candidate has to sign and make a declaration of the expenses of the election agent.

Mr. GLEN: Personal expenses.

Mr. CLARK: No, expenses of the election agent. The candidate must sign it, so he must know about it. He is required to sign it; it is the law.

The CHAIRMAN: The candidate signs his own expenses. He makes a statement of that to his election agent, and his election agent then files that return with the returning officer.

Mr. CLARK: And the candidate is required to state that he will have no more expenses in connection with the election.

Hon. Mr. STEVENS: All that is true, but it does not alter the situation.

Mr. CLARK: If the election agent is following the law the expenses are limited, and the candidate is aware of it, because he has to sign it. There is one thing that I believe would put a limit upon the expenses, and that is this: I think the candidate or the agent of the candidate on behalf of the candidate ought not to receive any money from outside the electoral district.

Hon. Mr. STEVENS: Hear, hear.

Mr. CLARK: It is more like a democracy for an electoral district to look after itself and not receive money from outside. I understand there has been money sent in from outside in many elections. It should not be. The district should look after itself. As far as the district is concerned, if there is no money sent from the outside the conditions would be different. The law as it is now is pretty strict.

Mr. GLEN: How are you going to fix that?

Mr. CLARK: You can make it an offence to get money from the outside.

The CHAIRMAN: We shall deal with that particular question under clause 6. The question we are dealing with now has to do with the limiting of a candidate's expenses, the total expenses of the election whether expended by an election agent or in any other way.

Mr. MACNICOL: I think I am in favour of limiting it, but I believe we should discuss it later on.

Mr. TURGEON: I do not think we should adopt this suggestion in the form in which it stands. As it stands it is limited to a certain amount per head of a voting population.

The CHAIRMAN: First of all let us decide whether a candidate's total expenses should be limited by law, and leave the other question as to the amount and how we arrive at the amount for further consideration.

Mr. TURGEON: Before we agree to that I should like to ask a question of those who wish it. It is agreed that they shall be limited, but are we getting any place unless we agree on how the limiting will be done. As far as I am concerned I can stay here all session fighting against carrying out this suggestion as it stands because it is absolutely impossible of any equitable adjustment. The way constituencies in Canada are set up today, and they are going to be set up in this way for many years to come, you cannot apply any rule towards expenditures of money which is based upon the voting population or any other population, because of the large areas. If you look at the map of British Columbia you will see that Mr. Olof Hanson and I have about two-fifths of British Columbia in our two constituencies, while there are sixteen others. First you have the terrific cost of transportation; secondly, you have your scattered population. You have polls that are very, very small in number, but you must have polls there because of the area. You cannot say you are going to stop these people from voting. You might just as well say that as say you are going to try to make in equity any rearrangement of the financial transactions which will bring a relationship between the city riding, for instance, and a riding such as those two I have mentioned. There are others in British Columbia, there are some in Saskatchewan, there are some in Quebec, there are some in northern Ontario to which the same rule would apply. Now, if we are going to say, as a committee, that we are going to agree on a limit I think we ought to have in our minds some rule of thumb by which we are going to measure that limitation. It is not sufficient to say that we are going to limit unless we say whether we are going to limit it in this way or in some other way. The two suggestions go together.

The CHAIRMAN: There is another question which enters into it. You were not here earlier in the discussion and you did not hear: it depends to some extent on what we do in connection with compulsory registration and compulsory voting.

Mr. TURGEON: Let that stand until we reach these other matters.

The CHAIRMAN: I think the committee are particularly opposed to these exorbitant expenses of $50,000 and $75,000 which confront some candidates in some of the constituencies.

Mr. MCINTOSH: To be fair we must remember that this applies to a few constituencies only. We should not apply that as a principle all over Canada, because it is not applicable.

Mr. HEAPS: I think something should be done to limit expenses. If there are a few exceptions I believe we could consider the exceptions, but we cannot legislate on exceptions.

Mr. MCINTOSH: That is exactly what you are doing.

Mr. HEAPS: No, we are not. In the last federal election in Winnipeg huge parties were given, and men and women attended these parties which were paid for by somebody. There were dances and other social functions. I will not say what else there was, but they were carried on on the eve of the election. I do not think it is fair to allow people to do that and get away with it at election time, and I believe something should be done to curb that kind of practice. If there were something in our act to limit the amount of expenditures and candidates and election agents were compelled to put in their expenditures that were incurred directly or indirectly, that might have some effect. I do not know, but I think it would indicate something. As I say, in the case of British Columbia there may be a few ridings, as there are a few in Manitoba, which take in enormous territory. We have that situation in northern Manitoba. We might make exceptions in those cases; but I think there ought to be a general rule.

Mr. TURGEON: I feel the situation keenly, and I am going to speak frankly. The matter Mr. Heaps mentioned is something that is morally bad, but it is something that this committee cannot deal with. Mr. Stevens and I discussed

the subject last year before this committee, and he mentioned the amount of money that is paid to workers in cities like Vancouver. Now, I was in charge of organization for the Liberal party in British Columbia for some years and Mr. Stevens was very high up in the Conservative party, and we knew then just as we know now that money was being expended in a way that was against the law. There is not any question about that. We both know also there is a great deal of the general fund that is expended in the city and not permitted to go to the outside districts, Mr. Stevens knows that. It is done by all parties. It was done by the C.C.F. at the last election, it was done by us and it was done by the Conservative party. When Mr. Stevens was a candidate in Vancouver city his organization had less trouble getting funds, I would venture to say, than they had when he was a candidate in east Kootenay; the same thing would apply to me if I were a candidate in Vancouver and outside. We are human in these things. You cannot settle them by law. Let us be honest. I am taking a strong stand on the limitation of expenses. I do not care how you limit them or what your limit is going to be so long as it is done in a manner that is going to give justice. We should not pass legislation that is going to make us look foolish in the eyes of practical men who are working elections. Our Election Act to-day is full of things that incur penalties.

Mr. HEAPS: How do they do it in South Africa or England, if you want to take those two instances?

Mr. TURGEON: In South Africa you will find that there has been just as much corruption as in Canada; and there is no use talking about England getting away from political corruption, because there has been just as much political corruption in England as in Canada and just as much in Canada as in England. We have a smaller population and we have not as much money to throw away on elections as they have in England.

Mr. MCINTOSH: The campaign fund situation in Great Britain is much worse than ever existed in Canada.

Mr. TURGEON: There is no use saying that we are greater wolves than other people because we are not. We are just human beings, and we are all trying to do the best we can. Mr. Heaps spoke of somebody giving election parties at election time. How is this committee going to stop that? You cannot pass a law to stop it. If you really want to stop the pernicious influence of campaign funds you will have to do it in ways we have never discussed and you will have to make it absolutely illegal for concerns to give funds at any time to more than one political party. The big trouble, as Mr. Stevens knows, is that there are firms who wish to get contracts or something else and they keep feeding out funds to both political parties. Now, if you wish to do something to curb that pernicious effect why not suggest to parliament that it pass legislation which will require every political entity or party, large or small, to declare in the official Gazette in the country its official funds and make it a legal offence for any individual directly or indirectly to supply at any time during a period, say, of six years—so as to cover the whole term of a parliament—funds to more than one of the parties set out in that official list. Then you will at least bring to each party the funds of those people who are sentimentally attached to that party or who are willing to bet, if one wants to be vulgar, more on that party than on some other party. However, to permit the supplying of funds as at present and then to say that you are going to put a limit upon expenditures in each riding simply means that those candidates who are honest and who try to carry out the law are the ones who are going to suffer from lack of funds; because a man who is honest, who is going to try to carry that law out properly, will always pick an official agent upon whom he can reply and he will pick him with as much judgment as he would use in picking a man in business to whom he is going to give a power of attorney. That is what he is doing when he appoints his official

agent; he is liable to be ruined himself as a candidate because of something done by his official agent, if it is done and found out. There is nobody in this room who would give power of attorney to a man for the carrying out of some business transaction unless he had great confidence in him, and if you limit your expenses you will find that the candidates who are not willing to play are the ones who will have the benefit of the expenditure of the funds just as they are being expended now. Those candidates—and I will include everybody in this room—those candidates who want to be truly honest and who pick their official agents in a proper manner and who act honestly themselves will find themselves short of money.

Now, I am objecting to adopting the principle of limiting the amount of funds which may be used unless I have some knowledge of what is in the minds of the members of the committee generally as to how we are going to carry out the limitation.

Hon. Mr. STEVENS: A portion of that comes under No. 6 which has not yet been discussed.

Mr. TURGEON: Except that we are asked to make a blank judgment to limit expenses.

Hon. Mr. STEVENS: All we are asking at the moment, I suggest, is that the committee should accept the general principle that there should be a limitation of the funds expended by a candidate. Before you came in it was suggested that at some later date that would be considered in conjunction with No. 6 which has not yet been discussed, and with the question of agents, and that a draft should be made of a proposal to accomplish the objective.

Mr. GLEN: I agree to some extent with what Mr. Turgeon says, but not wholly. My experience with elections is that so far as the agent is concerned I personally appoint him, and I see that he is an entirely reliable man and I am perfectly satisfied that his return as given to me is 100 per cent correct. But what you do find is this: that the agent's expenses, including his own personal expenses and the expenses for halls, etc., are, as a rule, entirely within the four corners of the act. What you also find is that the whole of the constituencies are covered from one end to the other and moneys are expended from a central committee. Now, the point that Mr. Turgeon is making is one that is difficult for me. How are you going to control the contributions that are given to an entity that sets itself up simply as an ad hoc committee for that particular election and disburses money throughout the constituency in the form of literature, for the payment of voters, signs and all that kind of thing? I cannot see it myself. Someone has been talking about the old country. It is perfectly true that they have their funds and that similar things are done there, but I will say this from my knowledge of carrying on elections in the old country, that they are nearly 100 per cent correct as is possible. In the matter of scrutineers, I can recall circumstances in the Clydebank in the election of 1895. We usually paid our scrutineers ten and sixpence for their services that day and supplied them also with their food, telling them that they must not vote. I recall quite vividly one of my scrutineers telling me that one of the scrutineers had voted, and I cancelled his dinner right there and did not give him the ten and six afterwards. All the parties did the same thing. We have not got to that stage here. With regard to the control of moneys coming from certain people, it happens that some of the parties have more money than, say, the C.C.F. and they are at that disability. If we can control these funds so that elections will be run on the basis they are entitled to be run, namely, that every man is entitled to his vote and he shall record it as he pleases, we will be doing something. I do not see how that is going to be accomplished unless we make a stab along these lines: that every separate entity carrying on an election campaign within a county and created for the purpose of that election ought to be compelled to make an accounting for all moneys that are given to them and to account for all the expenses.

I think this discussion is quite worth while. It is a matter that has been looked at askance, and the very fine statement given by Mr. Parent this morning will, I think, as given through the press, show that this committee is really anxious to purify elections. However, Mr. MacNicol, I believe that this matter should not be decided now, that the issues are too big, and it might be well to form a sub-committee afterwards for the purpose of collaborating and analyzing the evidence, and report back. We have all heard the discussion to-day and we can leave the matter for the meantime and turn it over in our minds and come back with more or less concrete ideas.

Mr. TURGEON: What do you think of the suggestion I threw out: to make it illegal for any person, group or corporation to give funds to more than one party at the same time?

The CHAIRMAN: I think we had better leave that until we come to paragraph 6.

Mr. MCLEAN: We all want to reduce election expenses, because the candidate is the person who suffers; but it seems to me that we ought to try to devise ways and means of enforcing the laws on the statute books at present. If we as candidates and our agents and supporters were not breaking those laws at every election, the election expenses would be reduced by 75 per cent. What is the use of talking about putting laws on the statute book to regulate the cost of elections? The cost of elections is high now partly because we take false affidavits, our agents take false affidavits, transportation in the way of cars is paid for in many ridings, all sorts of things are done; we know they are done; but here is the trouble: I do not care if there are half a dozen candidates in the riding, they all know that these things are done, and not one in any party and not one of their supporters raises a finger to try to see that the law is enforced. Now, is it not ridiculous to talk about putting more laws on the statute books when nobody in any part of the country is making any attempt whatever to enforce the laws which are on the statute books.

Mr. MACNICOL: Don't make it 100 per cent. I refuse positively to pay for gasoline and cars.

Mr. MCINTOSH: According to Mr. McLean's viewpoint, this is a matter of education, not compulsion.

Mr. MCLEAN: I do say that there is some way of making effective the laws which are on the statute book now. For instance, how many candidates in their return to the government publish all the contributions and the sources of all contributions?

Mr. MACNICOL: I have none to publish.

Mr. MCLEAN: It is not done. We all know it is not done. Nobody is trying to stop it. The ones who are objecting most to these expenditures in ridings, the candidates, are not trying to stop it. It seems to me that if we were sincere, when we see a flagrant breach of the election law we would protest, we would send the agent to prison, we would send the candidate to prison or disqualify him; at least, we would show some sign of endeavouring to make these laws effective; but as it is not a thing is being done, as far as I can see, to enforce the regulations that are on the books now. If, under the circumstances, we added more laws and more regulations we would be making ourselves a little more ridiculous. I can just fancy taking ten or fifteen men from each riding—men who are involved in elections—and having them listen to our discussion this morning; I think they would laugh at us; they would doubt our sincerity: and they would know that we and they are making no attempt whatever to enforce the laws we have. Although everybody is sincere in trying to devise ways

and means of reducing election expenses, I do think that we ought to start making a genuine, serious attempt to devise ways and means of enforcing the regulations that are on the statute books now. There are some very good regulations if they are really enforced and penalties inflicted.

Mr. JEAN: I do not think we can accept the suggestion as it stands. It is impossible to set the amount of expenses of a candidate in one constituency and in another on the same basis; but if you really want to limit the expense of elections there is only one way and it is to state what should be permitted and what could be done by candidates in an election. To-day we have some regulations in the law, but we do not know exactly what is permitted and what is not permitted. For instance, there is the question of hiring automobiles on election day. There is some doubt whether that can be done, but everybody is doing it.

Hon. Mr. STEVENS: Everybody is not doing it.

Mr. MACNICOL: I cannot stand for the statement that everybody is doing it. I do not do it and I will not consent to it.

Mr. JEAN: You may not do that, but even if the automobiles are given to you free you have to pay for the gas and the driver.

Hon. Mr. STEWART: Oh, no.

Mr. JEAN: Let us be frank. Let us know what is permitted to be done, and let us pay for that if we have to pay. If we can get it free, so much the better for the candidate. The sinister effect is there if it is put in the statute. There is the provision for disqualification of any individual who does something which is not permitted. That is the only section, but there is confiscation of the election on that ground if it is done by some other party. If that were made clear the law would be all right; but you cannot limit the expenses to the same amount in the large constituencies, and in urban constituencies and in rural constituencies.

Hon. Mr. STEVENS: We did not suggest that.

Mr. JEAN: If we are going to stay within the law as to what can be done—we can make speeches, we can have committee rooms, we can send circulars to our electors by mail, we can hire automobiles or we cannot hire them; but if it is not stated in the statute that we can do certain things it makes it difficult.

The CHAIRMAN: Gentlemen, the motion is that a candidate's total expenses should be limited by law. That is the general principle, leaving the amount and how it is to be arrived at for further consideration.

Mr TURGEON: I must oppose that motion until we have some idea as to what we are to be limited. I agree with Mr. Jean that the only practical way to limit expenses is by setting out the items for which expenditures may be made; but just to state a limit, I must disagree with that resolution until we are able to discuss it intelligently I suggest that we allow this matter to stand over

The CHAIRMAN: Are you moving that as an amendment?

Mr TURGEON: Yes, I am moving that as an amendment: that the whole question be held over until we have discussed everything that is relevant—all suggestions that are relevant

Mr. MCCUAIG: Would not the limiting of some of the constituencies meet your suggestion?

Mr. TURGEON: Not even that. We have to consider the question with equity. With regard to workers being paid, workers are paid, and in the cities they vote. In some of the cities they form the backbone of the organization. I am absolutely ready to have any penalty you want to make it impossible for workers to vote if they are paid. I do not care what your penalty is. But I am objecting as a reasonable man to the passing of a resolution which says that we are going to limit expenses until we know how and in what general way we are

going to limit them. As Mr. Jean points out, if we are going to limit expenses we are going to limit expenses by the imposition of sanctions; we are going to limit expenses to those sanctions which are now or will hereafter be precisely permitted to be done under the act; but simply to say that we are going to limit expenses is as much as to say that we are going to enjoy the winter or going for a swim. It does not mean anything. I move in amendment that we let this matter stand over until we are discussing some other suggestions that are relevant to the whole question of expenditures.

The CHAIRMAN: I think the discussion this morning has been very interesting, and it gives us something to think about. The disposition of the committee is not to vote upon the suggestion at this time. The motion is that we adopt the resolution that a candidate's total expenses should be limited by law; the amendment is that the matter be held over for further consideration.

(Stood over.)

The next suggestion is No. 6, and it is along similar lines. It might be well to have some discussion on it. It reads as follows:—

> Contribution from powerful corporations should be curbed—
>
> (*a*) there should be publication of all subscriptions received.

Mr. HEAPS: What do you call powerful corporations?

Mr. GLEN: The C.C.F.

Mr. HEAPS: It might be trade union business.

Mr. GLEN: Surely.

Mr. MACNICOL: Would Mr. Butcher read the law in connection with it now?

The WITNESS: In our 1925 Election Act there was a provision something like this, but it is not in our 1935 Act. In 1925 the Act read as follows:—

> 9. No unincorporated company or association and no incorporated company or association other than one incorporated for political purposes alone shall, directly or indirectly, contribute, loan, advance, pay, or promise or offer to pay any money or its equivalent to, or for, or in aid of, any candidate at an election, or to, or for, or in aid of, any political party, committee, or association, or to or for, or in aid of, any company incorporated for political purposes, or to, or for, or in furtherance of, any political purpose whatever, or for the indemnification or reimbursement of any person for moneys so used.
>
> 2. Every director, shareholder, officer, attorney, or agent of any company or association violating the provisions of this section, or who aids, abets, advises, or takes part in any such violation, and every person who asks or knowingly receives any money or its equivalent in violation of the provisions of this section, is guilty of an indictable offence against this act punishable as in this Act provided.

Mr. TURGEON: When was that taken out?

Mr. CASTONGUAY: It was taken out in 1930.

Mr. FAIR: May I say this: if you adopt No. 6 we will not have so much trouble with No. 4 because if the money is not contributed by corporations the candidates will not have it to spend. I think if you look around, even in eastern or western Canada, you will find that the individuals do not contribute to any very material extent, but you will find that quite a lot of the contributions come from corporations. In my case, I am a new member of a new party. I had no corporation contributions, and my election was run at far below $500. I got here and I am here in the interests of the people of the constituency and

the province as a whole. I do not feel that I have got to bow to any lobbyist who may come here. I do not feel that I have to give him any favours because he has not given me any favours. I think until the time that most of us come to that principle we are going to have the conditions which exist and, perhaps, something worse than we have them to-day. Somebody a few days ago made a joke here concerning social credit. I stand wholeheartedly for the principles of social credit and against our present election and political set-up.

Mr. McLEAN: I do not know where the last speaker got his information with regard to contributions for elections in Ontario, but I for one, as a member from Ontario, am not going to stand for any member from any province stating that the contributions toward members in this province come from corporations and not from individuals.

Mr. FAIR: I did not mention Ontario.

Mr. McLEAN: The member who has spoken has seen fit either from his knowledge or from his ignorance to state the source of our contributions in Ontario and classed them with sources of contributions in other places, and because from my knowledge he is wrong—

Mr. HEAPS: He is not. It came out in investigations in the house that huge corporations did go to the Liberal party with campaign funds—very powerful corporations.

Mr. McLEAN: He stated that contributions did not come from individuals. In my riding contributions all came from individuals, and I think I know many other constituencies where that is true also.

Mr. HEAPS: It is common knowledge. It came out in public hearings and was introduced in parliament a few years ago, that huge amounts of funds running into hundreds of thousands of dollars were computed for election purposes. Maybe it did not happen in his constituency, as the honourable member has said, but his constituency was not singled out by Mr. Fair. He did not single out any constituency, but he did state in a general way that these funds were possibly handed out to the different parties. I do not think anyone needs to contradict that statement. I think it is the general desire to abolish the source of these contributions. It is generally accepted by all parties that these funds are given.

The CHAIRMAN: We can go further. I believe it was your leader, Mr. Woodsworth, who moved for a change in the act to allow labour unions to contribute.

Mr. HEAPS: He did. It was done unwittingly at the time.

An Hon. MEMBER: Did he do it for the purpose of allowing the powerful corporations to contribute to the old parties?

The CHAIRMAN: If I remember his explanation, it was that if one corporation contributed then labour unions and so forth should be allowed to.

Mr. HEAPS: I am not going to talk about 1930, but I do not think it is well for a member to get up in this committee and accuse another member of ignorance or certain other things when the fact is that every member of this committee should know or does know that we had contributions running to two-thirds of a million by one corporation for the Liberal party. That is a fact. It came out in an investigation under sworn evidence did it not? What is the use of saying that these funds are not being given. Stop them. We should get together in this committee and see if we can make an act against these things.

Mr. FAIR: I do not know whether the gentleman who spoke understood me. I did not single out his constituency or Ontario. I did not say that corporations in Ontario contributed to those funds. I did say that corporations contributed more in a general way than individuals, and I stay with that statement; and I have the word, if I want to expose the name of the member, of a man who coming

to the session a year ago told me of a certain amount that was spent in his constituency by him out of funds. I may say that I have not been in the social credit party all my life time. I have been in the west for twenty-three years, but I had never been in politics actively until the social credit party was formed. I was affiliated with some of the other parties years ago when I did not know any better, but I will say that I have a definite opinion from that time that the things I have stated happened. I do not wish to withdraw, and I do not wish to plead ignorance or anything of that kind.

The CHAIRMAN: Gentlemen, I would like to say a word here. I think, possibly, unintentionally Mr. Fair may have made a statement that would tend to cast aspersion on certain members with regard to contributions.

Mr. FAIR: I did not do anything of the kind.

The CHAIRMAN: I want to explain this, that so far as my own constituency is concerned, every person who contributed anything to the election, so far as I know or the official agent knew, had his name published, and if there was any corporation—I do not know whether there was or not but I do know that there were a number of individuals—everything that came into that constituency that was used—and I ran four elections—was published, so far as I know. I know, speaking for Saskatchewan, that individuals do contribute to elections; and in my own particular case, much more so than any corporation.

Mr. WERMENLINGER: I think we all agree that certain things should be stopped, but we all agree that sometimes bad weather is not very good but it is hard to stop it. Probably we should start the other way and see if we can stop these corporations from subscribing money. Would any candidate refuse money to carry on his election when somebody offers him money? The same difficulty arises as before when we were discussing the matter of expenses in an election. We should try first to see how we can stop the powerful companies or corporations or individuals from subscribing money. If there is no possible way of stopping them, we are wasting our time in talking about it. Probably there are some few that could be stopped and we should start from that point and see how we can proceed if we wish to stop a corporation from subscribing money or to stop an individual from subscribing money. If there is no way of stopping these people, there is nothing to be done.

Mr. TURGEON: I made a suggestion which was out of place on the other item, and that was that we should consider the proposal to make it illegal for any individual, firm or corporation—call it what you like—to contribute funds during any extended period of years to more than one political party. I do not mean one political candidate or one political party; I am throwing it out as a suggestion. I am talking from practical experience, and human ingenuity is too strong to stop the things we are talking about no matter how tight we make the laws. The only way in which we can stop an abuse such as the loose scattering of funds, is to make it impossible legally. It cannot be made impossible; but make it impossible legally for the same interests to contribute funds to more than one party over a period that would cover the whole period of election activities. I do not know whether the committee is prepared to go that far or not, but if we are not prepared to go that far then, all we can do in connection with political expenses and contributions is to become oratorical. The act is full of penalties now, and I do not know of any other things we can put in the act. We might put back the part taken out in 1930. I doubt if that would do much good, because if those interested in elections are now covering up expenses, as the implication is, then they would cover up expenses with that section re-enacted just as they are doing with that section out; but if you want to clean up the matter of political contributions you have to stop them as far as you can, except for persons who for one or many reasons are interested in the success of a party, and stop those contributions from persons or groups who are interested

in being on the inside of a party, whichever party happens to win. I am speaking from some practical knowledge. I do not think you are going to get any place in any other way. I do not know whether the committee is willing to go that far or not, but for the purpose of bringing the matter to a discussion I will move that we consider the possibility of taking such legal measures as may be necessary to limit contributions from any group to more than any one political entity during a period of, say, six years.

Mr. McLEAN: I do not know why that regulation was taken out of the act in 1930. I think it ought to go back in, but it will not be enough just to put it back in. We should make these things effective. According to the act as it is, correct returns are supposed to be made for all contributions. Surely we can devise some means of seeing that that is done, and if we do we have gone a long way toward removing that abuse. If the candidate and his agent are compelled to make return from the corporations and individuals from whom they get money, we should see that that is done. We have heard a great deal about contributions from corporations, and it is generally understood that there are such contributions. A great many impressions are formed because people speak in a general way. I think the corporations ought to be prohibited from contributing at all, because it is not the voting body. Any individual has a right to vote for any principle or candidate or party, and he has a perfect right, as long as he keeps within the law, to do all he can to support that principle; but the corporation has not that object at all; the corporation is not a voting body. If anybody is permitted to contribute, the individual should be permitted.

Mr. GLEN: Suppose a corporation is very interested in a particular piece of legislation and it spends its money, not by giving contributions to a party, but by flooding the country with literature; how are you going to stop that?

Mr. McLEAN: I do not know how you are going to prohibit it.

Mr. GLEN: Is there any reason why you should prohibit it?

Mr. McLEAN: If you can do it; but I say you should make effective the laws on the statute books.

Mr. GLEN: If people wish to use the method of printing for their own viewpoint, is there any reason why they should be prevented?

Mr. McLEAN: That is rather a fine point, and I do not want to go into it; but so far as an election candidate is concerned a corporation is in a different position altogether from an individual.

Hon. Mr. STEWART: Why?

Mr. McLEAN: Because the individual is a voting body and the corporation is not.

Mr. MACNICOL: If a corporation wants to make a contribution, one of the directors or one of the officials of the office could make a subscription of $1,000 to a campaign fund and could later be reimbursed by the corporation. How are you going to prevent that?

Mr. McLEAN: That is another way of getting around the law. We should direct ourselves to making these regulations effective, which we are not doing now. I think the candidate is the one who is suffering. After all, there are some parties that have not the funds available. I think the candidates for those parties are lucky. I do not think that the expenditure of those large sums of money is helpful, and I think we will all be very glad if ways and means could be devised to keep our election expenses down.

Mr. McINTOSH: In regard to contributions from individuals or corporations, I do not think we could possibly stop contributions from individuals; I do not think it would be wise to do so. The same thing applies to corporations. The preposterous idea of trying to broadcast the conception that all corporations are rotten or corrupt and desire to influence elections is wrong. I do not believe that is true, and from what I have seen of public life it is not true.

My friend here (Mr. Fair) made a suggestion with regard to lobbying. Now, I have been in the House of Commons longer than he has and, I know many of the corporations in Canada; I have been all over this country, and I have studied election and other problems fully; and I can say truthfully that since coming into the House of Commons there has been no attempt to lobby me on anything. There is something more I could say: there has been no attempt in any way made to tell me how to vote since I have come to the House of Commons. Furthermore, I would like to see the man who would attempt to coerce me into a method of voting that I did not wish to adopt.

When we come to the subject of contributions from individuals and corporations, I think those contributions from corporations and individuals fall into insignificance compared with the role played by this gentleman's party in the last election when their candidates went out one by one in Alberta and Saskatchewan—and I represent a border constituency and know what was done—and promised every person who would vote for them $25 a month. Now, Mr. Chairman, that is the worst type of corruption and political crookery.

The CHAIRMAN: Gentlemen, I think we are getting away from the subject.

Mr. MCINTOSH: I wanted to put my statement on record.

Mr. FAIR: And I want to put something else on record. In the provincial election a candidate belonging to the same party as the hon. gentleman who has taken his seat went out with a promise of $45 a month to be paid by the federal government. What do you think of that?

The CHAIRMAN: Order, gentlemen. I will have to call you to order in connection with this. We are discussing a different question altogether, and I am not going to allow the committee to get into these personalities as to elections and what was stated at them We have to confine ourselves to the question under discussion that contributions from powerful corporations should be curbed and that there should be publication of all subscriptions received.

Mr. FAIR: I want to reply to a charge made against my colleagues in the province of Alberta. Here is one right here who never promised $25 a month or any other dividend.

The CHAIRMAN: Now, please leave it at that, because I am not going to allow this discussion.

Mr. FAIR: I wish this discussion had been checked up before it got to where it did because I have not had my right to reply to it.

Mr. MCINTOSH: As far as the provincial party in Alberta is concerned, I do not belong to that party.

The CHAIRMAN: No, no. This must stop.

Mr. MCINTOSH: I am a federal member. I have nothing to do with provincial parties in Alberta.

Mr. HEAPS: To come back to the question of contributions from powerful corporations, may I say that the matter of election expenses is vitally bound up with the question of the compulsory vote. I believe that the question of compulsory voting ought to be settled as soon as possible, after which I think we can discuss these other questions more intelligently. If we are going to attempt to legislate for compulsory voting, we will have to discuss these matters carefully and at length.

The CHAIRMAN: We intend to take up those subjects at the next session.

Mr. HEAPS: I suggest we allow this matter to stand and at the next meeting we may be able to go fully into the matter of whether we are in favour of compulsory voting or not.

(Stood over.)

Hon. Mr. STEWART: I think we have done a good morning's work, and I move that we adjourn.

Mr. HEAPS: Could we have it understood that at our next meeting the first question we take into consideration will be that of compulsory voting?

The CHAIRMAN: Registration and compulsory voting are together.

Mr. HEAPS: No. Let us have one. Now that we have enumeration that is going to be a contentious matter.

The CHAIRMAN: Are there any other questions in connection with these two subjects?

Mr. MCINTOSH: What do you think yourself?

The CHAIRMAN: I think that one ties into the other pretty well and that we should have discussion on both at the same time.

Mr. MACNICOL: In Australia, apparently, registration preceded compulsory voting.

Mr. HEAPS: Compulsory registration is a very difficult problem.

Hon. Mr. STEWART: I think so.

Mr. HEAPS: Compulsory voting is something definite.

Mr. MACNICOL: The registration scheme went in the Election Act of 1924 and 1925—what was the previous act? It was almost equivalent to compulsory registration. The committee, as I understand, intend to go back to the registration scheme of 1930.

Mr. HEAPS: We should consider compulsory voting next.

Mr. MCLEAN: I think, as Mr. Heaps says, that compulsory voting is a question by itself, and I think it should be discussed very soon. Personally, I am very much in favour of compulsory voting. That is the great solution to our expensive elections. Whether Canada is ready for it or not at present I am not prepared to say, but within a reasonable time we have to have compulsory voting in Canada.

Mr. TURGEON: I agree with Mr. Heaps that we set aside a day very soon to discuss compulsory voting. Even apart from registration I intend to oppose it.

The Committee adjourned to meet Friday, February 26, at 11 o'clock.

HOUSE OF COMMONS, ROOM 429,

February 26, 1937.

The Special Committee on Elections and Franchise Acts met at 11 o'clock, Mr. Bothwell, the chairman, presided.

The CHAIRMAN: Gentlemen, we have a quorum. At the last sitting of the committee we decided this morning we would take up compulsory voting. I do not know whether it is the wish of the committee to have Mr. Butcher make his statement first, or whether any member of the committee wishes to speak first.

Mr. MACNICOL: I would not mind saying something, but it is up to the committee to decide.

Hon. Mr. STEWART: It seems to me we would probably make more rapid progress if we had exposed before us the result of Mr. Butcher's investigation and his conclusions.

Mr. CLARK: I think so.

Hon. Mr. STEWART: Mr. MacNicol will lead off afterwards.

Mr. MACNICOL: I was only going to give the history of the whole subject. Let Mr. Butcher go ahead.

Mr. HARRY BUTCHER, called:

Mr. Chairman, compulsory voting is not a subject upon which it has been possible for me to gather a vast amount of information. I have come to the conclusion there is only one example that is worthy of consideration, and that example is Australia. During the latter half of the nineteenth century several European countries did adopt compulsory voting, but certainly not with marked success. Switzerland was one of the first to adopt compulsory voting in several of her cantons. As a result the average number of electors voting rose quite rapidly, finally reaching 76 to 80 per cent. Then, in Spain compulsory voting was adopted—

By Hon. Mr. Stewart:

Q. What was it before compulsory voting?—A. In Switzerland?

Q. Yes.—A. I could not get any record of that. In Spain even after compulsory voting was adopted we read that the average rose to 60 per cent in Madrid and in some of the country districts to 20 per cent; so that in Spain compulsory voting was not a success.

Q. Look at what happened there?—A. In Czechoslovakia from the very beginning of her existence as a state voting was compulsory, but abstentions were so numerous that enforcement was absolutely impossible. In the city of Prague alone 50,000 failed to vote out of 424,000 electors, so we might say it became a dead letter in Czechoslovakia. In Belgium compulsory voting was introduced in 1893 following a series of elections at which the percentage of electors voting had been notoriously low, hardly ever reaching 50 per cent. The

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result of the introduction in Belgium was that in 1894 the percentage rose to 94 per cent, in 1896 to 92 per cent and in 1900 to 94 per cent. I regret I have no later information. In Holland voting became part of the electoral law in 1919, but although I have been able to find quite a lot of information about it in Holland I have been unable to get any statistics, so I do not know whether or not it has resulted in a larger percentage of electors voting.

In the western hemisphere the Argentine adopted compulsory voting in 1912. The first election after compulsory voting was adopted was held in 1912. I have not been able to obtain much information on the subject but I read that the percentage of electors voting rose to 84 per cent in the capital and to 69 per cent in the provinces after the adoption of the system. At the next election, however, it fell to 63 per cent throughout the whole country, so even there it has failed to achieve what no doubt the parliament of the Argentine had in mind in making it compulsory to vote. So that I come back to my first statement that Australia alone seems to afford the example that is worthy of consideration. In Australia it is the duty of every elector to record his vote at every election, and failure to do so without a valid and sufficient reason, or having failed, the further failure to reply when instructed to give reason for failing to vote or for giving a false reason for not voting, is an offence against the election law, and the voter is subject to a penalty not less than ten shillings and not more than two pounds.

I think, Mr. Chairman, we can find no higher authority as to the real impresion in Australia, as to the advisability of having compulsory voting, than the chief electoral officer of that country, and I am quoting from a letter I received from him dated April 23, 1936. He says:—

> Compulsory Voting was introduced into the Commonwealth law in 1924. It appears to be generally popular with Parliamentary Candidates, political organizations, etc. and to have been accepted without demur by the great majority of the people. Whilst the compulsion is distasteful to a section especially those with conscientious or religious objections, and to some electors at an election where none of the candidates are regarded as representing their views, on present indications it would seem that compulsory voting will continue to be a feature of the Commonwealth law.
>
> The effect of compulsory voting at Commonwealth Elections has been to raise the percentage of voters to electors enrolled from approximately 70 per cent to 95 per cent. The fact that voting is compulsory is extensively promulgated through the press and broadcasting stations on the occasion of each election and it is evident very few electors deliberately fail to comply with the law's requirements.
>
> After an election the names of all electors who have voted are marked off a clean copy of the certified roll which results in those names not so marked being the list of electors who appear to have failed to vote. Notices are issued to these persons (except where the divisional returning officer knows the person has since died or was absent from the Commonwealth or for any other reason was unable to vote) calling upon them to furnish their reason for not voting. Replies are received from about 75 per cent of the persons to whom the notices are issued, the bulk of the balance being returned " undelivered " by the Postal authorities owing to the persons having left the addresses for which they were enrolled or otherwise untraceable (the latter applies mostly to prospectors and other itinerant workers, etc.). In a few instances in which the recipients ignore both the original notice and a reminder (sent by registered post) they are proceeded against through the courts and fined for failing to reply.

By Mr. MacNicol:

Q. And their names struck off the roll?—A. The Chief Electoral Officer does not mention that here. Continuing:—

> Of the replies received about 95 per cent contain valid and sufficient reason for failure to vote, mostly sickness, long distance from a polling booth, religious objection, etc. Of the remaining 5 per cent generally at least one-half contain reasons not wholly satisfactory but where the administration considers a formal warning against any future dereliction sufficiently meets the case. In only about 2 per cent of the total non-voters is the reason given for failure to vote unacceptable and in these cases the defaulters are so informed and given the option of having their cases dealt with by the commonwealth electoral officer or alternatively by the ordinary Courts. In most instances the delinquents agree to the departmental adjudication and are dealt with accordingly, a fine of 10/- generally being imposed provided that where a penalty would involve a real hardship it is waived altogether, and a warning issued. Where the offenders do not agree to departmental judgment their cases are taken to the ordinary courts and dealt with before a Magistrate.
>
> A distinct advantage the administration derives from the compulsory voting provisions is that as the result of the inquiries in respect of non-voters after an election the rolls are cleaned of a considerable number of obsolete entries which have escaped detection in the ordinary course.
>
> Having regard to the nature of the Commonwealth electoral administration and to the fact that all Commonwealth electoral papers are transmissable through the post free of charge the compulsory enrolment and compulsory voting provisions have very little effect on the cost of electoral administration in Australia. The provisions have been built inside the framework of the organization without materially affecting its outlay.

Attention is very frequently drawn to the fact—

By Mr. Turgeon:

Q. Is that out of the same letter?—A. No.

Q. You have left the letter?—A. Yes. I should have said that is the end of the quotation.

Attention is very frequently drawn to the fact that only 59·36 of the electors in Australia voted in 1922, the last election held before compulsory voting; while from that time not less than 99·31 have recorded their votes, while in one year 95·17 per cent did, the record being:

	Per cent
1925	91·39
1928	93·64
1929	94·85
1931	95·04
1934	95·17

By Mr. MacNicol:

Q. That was in the house only?—A. The house only, yes—the House of Representatives.

Hon. Mr. STEWART: Did you say 99 per cent?

Mr. MACNICOL: No, 95·17.

The CHAIRMAN: You gave the figure of 99·31, Mr. Butcher.

Hon. Mr. STEWART: Yes.

By the Chairman:

Q. I made a note of that. Your statement was that before the first election the vote polled was 59·36 per cent and after compulsory voting came in it rose to 99·31 per cent?—A. I should have said 91·39.

Hon. Mr. STEWART: That is better.

By the Chairman:

Q. You say it should be 91 point what?—A. 91·39. It should be noted, however, with regard to the 1929 elections, the latest year of which I have statistics, as follows: There were 3,118,000 electors on the rolls in contested seats; 2,691,070 voted at the polling stations in their own polling divisions, but 207,876 voted elsewhere as absent voters; 47,842 recorded postal votes; and 10,155 voted by declaration.

Q. What is meant by postal votes?—A. I am going to refer to that very fully in a moment.

Q. All right.—A. That is, 86 per cent voted at their own proper polling stations, while 8·5 per cent voted elsewhere by reason of the extraordinary facilities for voting provided under the Australian election law. It would appear to me, therefore, that the fact that they have compulsory voting in Australia is not wholly responsible for the very large percentage of electors voting. It is in great part due to the fact that under their law they provide extraordinary facilities for voting.

By Mr. MacNicol:

Q. In the first place, they have compulsory registration?—A. Yes.

Q. That goes before the other?—A. Yes. I have to refer to it a little later. I have already referred to the votes recorded by absent voters,—207,876 votes recorded by absent voters,—and perhaps I might read the particular section of the Australian Election Act that provides for this form of voting. It is section 113 of the act, and reads as follows:—

> 113. (1) On polling day, an elector shall be entitled to vote at any prescribed polling place for the sub-division for which he is enrolled, or *he shall be permitted to vote at any other polling place within the State for which he is enrolled at which a polling booth is open, under and subject to the regulations relating to absent voting.*
>
> (2) The regulations relating to absent voting may prescribe all matters (not inconsistent with this Act) necessary or convenient to be prescribed for carrying this section into effect, and in particular may provide:—
>
> (*a*) the forms of absent voters' ballot-papers;
>
> (*b*) the manner in which votes are to be marked on absent voters' ballot-papers;
>
> (*c*) the method of dealing with absent voters' ballot-papers, including the scrutiny thereof, and the counting of the votes thereon; and
>
> (*d*) the grounds upon which absent voters' ballot-papers are to be rejected as informal.
>
> (3) Absent voters' ballot-papers containing votes and enclosed in any prescribed envelope may, if so provided by the regulations, be placed in any ballot-box in use at the polling booth at which the votes were cast, but notwithstanding anything contained in this Act a prescribed envelope containing an absent voters' ballot-paper shall (unless the regulations otherwise provide) only be opened and the ballot-paper dealt with, as regards the scrutiny thereof and the counting of the votes thereon, by the divisional returning officer for the division for which the voter declares that he is enrolled.

(4) Nothing in this section shall authorize any elector to vote more than once at any election.

I have here, sir—and I shall be very pleased to show it to yourself and to any members of the committee who may wish to see it—the form of envelope in which the ballot paper is enclosed in order to be forwarded to the correct polling station.

I referred also to postal voting and stated that in the 1929 election 47,842 electors availed themselves of this privilege. The law relating to postal voting is as follows:—

85. (1) "An elector who—

(*a*) will not throughout the hours of polling day be within the state for which he is enrolled;

(*b*) will not throughout the hours of polling day be within five miles by the nearest practicable route of any polling booth open in the state for which he is enrolled for the purposes of an election;

(*bb*) will throughout the hours of polling on polling day be travelling under conditions which will preclude him from voting at any polling booth in the state for which he is enrolled; or

(*c*) is seriously ill or infirm, and by reason of such illness or infirmity will be precluded from attending at any polling booth to vote, or, in the case of a woman, will by approaching maternity be precluded from attending at any polling booth to vote, may make application for a postal vote certificate and postal ballot-paper.

(2) The application must contain a declaration by the applicant setting out the grounds upon which he applies for the postal vote certificate and postal ballot-paper, and may be in the prescribed form, and must be signed by the applicant in his own handwriting in the presence of an elector and must be made and sent, after the issue of the writ for the election and before the polling day for the election, to the divisional returning officer for the division for which the applicant is enrolled or to some other divisional returning officer if the applicant has reason to believe that the application may not, in the ordinary course of post, reach the divisional returning officer for the division for which he is enrolled so as to enable him to receive a postal vote certificate and postal ballot-paper from that officer in time to permit of the applicant voting at the election:

Provided that the application shall not be deemed to have been duly made unless it reaches the divisional returning officer to whom it is addressed before six o'clock in the afternoon of the day immediately preceding the polling day for the election.

(3) An elector shall not make, and a person shall not induce an elector to make, any false statement in an application for a postal vote certificate and postal ballot-paper, or in the declaration contained in such application.

Penalty: Fifty pounds, or imprisonment for one month.

I mentioned also that 10,155 electors voted by declaration. They voted under the provisions of section 121 of the Elections act which reads as follows:

121.—(1) "Notwithstanding anything contained in this Act, when any person who is entitled to be enrolled on the roll for a sub-division claims to vote at an election at a polling place prescribed for that sub-division, and his name has been omitted from or struck out of the certified list of voters for that polling place owing to an error of an officer or a mistake of fact or when any person who is enrolled on the roll for a sub-division

claims to vote at an election at a polling place prescribed for that sub-division, and his name cannot be found by the presiding officer on the certified list of voters, he may, subject to the act and the regulations, be permitted to vote if—

(*a*) in the case of a person whose name has been omitted from the certified list—

(i) he sent or delivered to the registrar for the sub-division a duly completed claim for enrolment or transfer of enrolment, as the case requires, in respect of the sub-division, and the claim was received by the registrar before the issue of the writ for the election; and

(ii) he did not after sending or delivering the claim and before the issue of the writ become qualified for transfer of enrolment to another sub-division; or

(*b*) in the case of a person whose name has been struck out of the certified list—

(i) his name was not, to the best of his knowledge, removed from the roll for the sub-division owing to objection, or transfer or duplication of enrolment, or disqualification; and

(ii) he had, from the time of his enrolment for the sub-division to the date of the issue of the writ for the election, continuously retained his right to enrolment for that sub-division; or

(*c*) in the case of a person whose name is on the roll for a sub-division for which he claims to vote, but cannot be found by the presiding officer, he claims that his name appears or should appear on the roll, and makes a declaration in the prescribed form before the presiding officer at the polling place.

By Mr. Turgeon:

Q. How many voted under that declaration?—A. 10,155. I might perhaps draw attention again to the statement that I made at the opening of my remarks; that is, that not fewer than 8·05 per cent of the electors who voted at that election voted under these extraordinary facilities known as postal voting, absent voting or voting by declaration. Then I think I should refer to the large percentage of informal ballots in Australian elections; and I should point out that any rejected ballots in Australia are called informal ballots. In the election of 1929 about 3·44 per cent of ballots were informal.

By Mr. MacNicol:

Q. Is this the senate, or the House of Representatives?—A. This refers to the House of Representatives. If you wish it later I can give you the figures in regard to the senate. A total of 101,849, that is 3·44 per cent, were informal ballots in the elections of 1929.

By the Chairman:

Q. Just there, for purposes of comparison, how many ballots were rejected in our last election say?—A. In 1930 rejected ballots amounted to 0·61 per cent of the whole; that is, a total of 18,000. In the election of 1935 the percentage was a little higher, and I think the reason for that lay in the absentee vote. There were so many rejected ballots in connection with that. The record in Australia as far as the House of Representatives is concerned is as follows:

Year	*Per cent*
1919	3·46
1922	4·51
1925	2·36

1928	4·90
1929	2·65
1931	3·48
1934	3·44

By Mr. Turgeon:

Q. Their informal vote I take it is the same as our rejected ballot?—A. That is so.

By Mr. MacNicol:

Q. What was the figure you gave for 1934?—A. 3·44.

Q. Where did you get your figure from, Mr. Butcher?—A. From the official returns.

Q. All right, go ahead?—A. This refers to the House of Representatives. Have you any different figures?

Q. I have some material on it and the figures in it do not conform to yours? —A. I must produce my authority then.

By Hon. Mr. Stirling:

Q. Does Mr. Butcher know in which of the four categories the greater number appear?—A. I do not.

Q. You might find that a big majority of them were in one or other of these categories?—A. That might be so. With regard to the cost of elections in Australia with compulsory voting compared with the cost in Canada under our voluntary system; I think that the committee asked that the cost of compulsory voting, and the cost of compulsory registration, should as far as possible be ascertained. The chief electoral officer advises me that the cost of administering the electoral law in Australia in an election year amounts to £200,000; in a non-election year, £100,000; therefore, the additional cost, owing to the fact that there is an election in an election year would be £100,000 or approximately $400,000. To this $400,000 should be added at least one-half of the cost of administration which I estimate, judging by the figures given to me by the chief electoral officer, at £40,000, or a total of £140,000; the equivalent of $560,000 in Canadian money; or, a cost of 14 cents per voter, above the cost of registration in an election year. In Canada in the year 1935, for 6,000,000 voters, the cost of the election was only about $1,100,000; but $200,000 at least of that should be attributed to the cost of the absentee vote—which I gather is to be abolished in future. So that apart from the cost of the absentee vote the cost of elections (not including registration of electors) would at the very greatest be $960,000 or 16 cents per voter. But, it is difficult to say whether the cost, if compulsory voting should be adopted, would be any greater than or any less than that as far as governmental cost is concerned. I should think it would take no more officials, and no more polling stations, and so I judge that the chief electoral officer of Australia is correct when he says as follows:—

> Having regard to the nature of the Commonwealth electoral administration and to the fact that all Commonwealth electoral papers are transmissible through the post free of charge, the compulsory enrolment and compulsory voting provisions have very little effect on the cost of electoral administration in Australia. The provisions have been built inside the framework of the organization without materially affecting its outlay.

But I would suggest to the committee that compulsory voting would be quite unenforceable without compulsory registration.

Mr. MacNicol: And adopt voting by post, and balloting by declaration.

The WITNESS: I think there is no question about that. How could it be ascertained whether electors had failed to vote if there were no lists compiled by compulsory registration with which to compare the names of those who voted? So, with your permission, I would draw attention to and compare the cost of the electoral machinery in Australia during a specified period with the cost of electoral machinery in Canada during a similar period; I would suggest that we consider the cost during the life of a four year parliament. The electoral machinery of Australia, according to the chief electoral officer, costs £200,000 in an election year and £100,000 in each of the other years; therefore, the total for four years would be £500,000.

By Mr. Factor:

Q. That includes registration?—A. That includes registration of electors. There were a little less than 4,000,000 voters in Australia in 1934. And the equivalent in dollars of £500,000 is $2,000,000. Thus we find that the cost of election machinery in Australia during a four year period is 50 cents per elector; and with that we may compare the cost in Canada.

By Mr. MacNicol:

Q. Might I note that their lists are closed lists and are always kept in order?—A. Yes. In a memorandum on compulsory registration I am later presenting the committee it will be seen that I am dealing with some of these features. In Canada the 1930 election cost $2,131,148; which it should be noted includes the cost of registration by enumeration and the cost of election; or 41·5 cents per elector, against 50 cents in Australia. In 1935, including the 1934 cost of general registration, but not the 1935 revision, with 5,918,207 electors on the list the cost was approximately $2,750,000; or, 46·5 cents per elector.

Q. That does not include the hundreds of thousands, perhaps millions of dollars, that were used for getting the list revised and in proper shape for the issue of the final lists?—A. You are referring to the revision of 1935.

Q. Yes?—A. That cost about $450,000.

Q. I thought it was more than that?—A. It would bring the total cost up to around $2,200,000. I did not think it was fair to include the cost of the 1935 revision as well as the cost of the 1934 registration in arriving at the cost of the general election of 1935; because, had an election been held in 1934 general registrations was all that would have been necessary, and for that reason I have shown the cost of the election in 1935 at that figure of $2,750,000, or 46·5 cents per elector.

By Mr. Turgeon:

Q. When you say cost per elector, you are talking about the electors who actually voted?—A. No, the number on the lists of electors, both in Australia and Canada.

Q. That is not the number who actually voted?—A. No.

By the Chairman:

Q. I suggest that if you had made a comparison allowing for the revision of lists in Canada on a basis similar to that which prevails in Australia you would have arrived at a different figure; have you worked that out?—A. It would be in the figures I am giving in a moment. I have made one other calculation which takes into account the cost of the annual revision. Annual revisions under the 1934 Franchise Act are made at a cost of approximately $450,000 per year, so that in the four year period they would cost $1,800,000. The election expense would be approximately $950,000. The total cost then would be $2,750,000, or 46·5 cents per elector.

The CHAIRMAN: There must be something wrong there.

Mr. MACNICOL: There is certainly a vast difference there.

The WITNESS: What was the point you had in mind?

Hon. Mr. STEWART: You said registration. You seem to have confused that with the annual revision. You have set up the cost of the annual revision against general registration.

Mr. MACNICOL: I think in Australia the lists are kept up to date and maintained by the government, but in Canada they are revised just prior to a general election as was the case in 1935. I question whether half the ridings were re-enumerated, because the enumerations had to be done by the candidate or member of parliament; and if these costs were added in to the government cost it would run an average of three, four, or five thousand dollars a riding extra.

The WITNESS: I deal with many of these matters when dealing with the subject of compulsory registration.

After having quoted the costs indicated, those I have already mentioned, I should tell the committee that it is proposed later to submit a schedule to the committee which will have the effect of very considerably reducing the costs of both registration and election. It will have the further effect of comparing the election costs in Canada with those in Australia. I have just one other very short feature to report to the committee.

The following is a record of the vote polled in 1934 in Australia (based upon the estimate of the chief electoral officer).

(1) Number of electors on the roll..	4,000,000
(2) Five per cent (5%) failed to vote..	200,000
(3) Ninety-five per cent of these failing to vote gave valid reasons for their failure to do so..	142,500
(4) The remaining 5 per cent of those failing to vote did not give valid reasons..	7,500
(5) One half of those failing to vote gave partly valid reasons and were merely warned.. ..	3,750
(6) The remainder were prosecuted.	

The estimate given by the chief electoral officer indicated that the other 3,750 were prosecuted for failure to vote or to send a reply to the request for information as to why they had not voted.

By Mr. Glen:

Q. What happended to them afterwards, were they disfranchised?

Mr. MACNICOL: Yes, they take them off the roll.

By Mr. Factor:

Q. Have you a record of the number who voted in the last general election in Canada?—A. Yes, I have that.

Q. I think it would be well to incorporate it here?—A. Mr. Castonguay tells me there were 5,918,207 names on the list, and of these 4,452,675 voted; and that is just a little over 75 per cent.

Q. That is very, very good considering that in that five million there must be a lot of duplication of names. In other words the percentage of those who voted was probably higher than is indicated by the actual figures on account of the fact that there were so many duplications. For that reason also it is difficult to get the information. Taking all that into consideration you find that we have not done very badly in respect to voting in the last election?—A. That is my impression.

By Mr. Jean:

Q. Have you the figures for the 1930 election?—A. It was the same average, just over 75 per cent. Mr. Castonguay tells me it was 76 per cent in 1930.

The WITNESS: I might have informed the committee with respect to applications for the privilege to vote by post that when the divisional returning officer is satisfied that a voter is entitled to that privilege he gives a certificate and that certificate is printed right on the envelope on which he returns his ballot.

The CHAIRMAN: You might show that to the members of the committee.

The WITNESS: I will pass it around.

Mr. BRUNELLE: You said that 3,750 had been prosecuted; have you any figures as to the number of those who were prosecuted showing the number who were actually found guilty or fined.

The WITNESS: No. After all this is only an estimate based upon the percentages given to me by the chief electoral officer.

The CHAIRMAN: I think you would read into it the letter of the chief electoral officer that approximately 3,750 were fined.

The WITNESS: The paragraph upon which I based that calculation reads as follows:—

> Of the replies received about 95 per cent contain valid and sufficient reason for failure to vote, mostly sickness, long distance from a polling booth, religious objection, etc. Of the remaining 5 per cent generally at least one-half contain reasons not wholly satisfactory but where the administration considers a formal warning against any future dereliction sufficiently meets the case. In only about 2 per cent of the total non-voters is the reason given for failure to vote unacceptable and in these cases the defaulters are so informed and given the option of having their cases dealt with by the Commonwealth Electoral Officer or alternatively by the ordinary courts. In most instances the delinquents agree to the departmental adjudication and are dealt with accordingly, a fine of 10 shillings generally being imposed provided that where a penalty would involve a real hardship it is waived altogether, and a warning issued. Where the offenders do not agree to departmental judgment their cases are taken to the ordinary courts and dealt with before a magistrate.

Mr. GLEN: What staff is required for the carrying out of the electoral laws in Australia as compared with Canada?

The WITNESS:

> (*a*) The chief electoral officer for the commonwealth, who is responsible for the administration throughout the commonwealth;
>
> (*b*) A commonwealth electoral officer for each of the six states, who, subject to the direction of the chief electoral officer, is the principal executive electoral officer in the state;
>
> (*c*) A divisional returning officer for each of the 74 electoral divisions (28 in New South Wales, 20 in Victoria, 10 in Queensland, 6 in South Australia, 5 in Western Australia and 5 in Tasmania) who, subject to the control of the respective commonwealth electoral officer, officiates in his respective division, and
>
> (*d*) An electoral registrar for each subdivision (i.e. registration unit) of each division, who acts under the direction of the respective divisional returning officer.

The CHAIRMAN: For each constituency.

The WITNESS: No. This is a subdivision. The electoral registrar for each subdivision. That is, each registration unit of each division. The electoral registrar acts under the direction of the respective divisional returning officer.

Mr. GLEN: These are permanent officials, are they?

The WITNESS: No. The permanent officials are the chief electoral officer, commonwealth electoral officers, and divisional returning officers for each of the electoral divisions. The electoral registrar is not a permanent official. I have a very brief note here which I will read to you:—

> As a general rule the divisional returning officer in metropolitan divisions is also the electoral registrar for the whole of the subdivisions in his division and in country divisions the divisional returning officer is also the registrar for such subdivisions as are convenient to his headquarters.

I do not know the salaries paid to the permanent officials, but the electoral registrar is retained at 50 pounds a year.

The CHAIRMAN: To whom does he correspond in our system?

The WITNESS: He corresponds to the enumerator for the polling subdivision. He is retained at 50 pounds a year, and in addition is paid, I understand, 20 shillings for every 100 effective notations made by him on the lists that he has to keep up to date.

Mr. TURGEON: He is equivalent to our subdivision enumerator.

The WITNESS: Yes. I gather he is, judging by a roll of electors that may be found in the parcel of forms I am sending down.

Mr. GLEN: Would the salaries be included in the figures you gave in regard to the cost of elections?

The WITNESS: Yes. About one-half is charged to elections.

Mr. GLEN: Mr. Castonguay, how do they compare with our expenses as to permanent staff?

Mr. CASTONGUAY: Of course, we now have a permanent staff of registration and a permanent staff of returning officers.

Mr. GLEN: But they are not paid except when they are doing their duty; they are not paid an annual salary, are they?

Mr. CASTONGUAY: The returning officers are paid only when an election comes, but the electoral registrars are paid if the law providing for annual revision of the lists is followed—they receive a prescribed sum annually by way of remuneration.

Mr. MACNICOL: Mr. Chairman, Mr. Butcher deserves the credit of the committee for his exhaustive enquiry. I have made a prolonged study of this matter for a number of years and have covered all the countries in the world that have had compulsory voting in operation. In anything I say I do not want to be quoted as being either for or against this system; that is for the committee to decide. I thought that, perhaps, I could add a word or two to clarify a little of what Mr. Butcher has said, and then the committee will have to decide for itself. Therefore, in giving these figures, I am not submitting them as an advocate of compulsory voting by any means.

The first point that strikes me is that if we adopt compulsory voting we have, first, to adopt compulsory enrolment. In Australia they had compulsory enrolment for some time prior to having compulsory voting. They finally realized that when they went to the expense of having compulsory enrolment and then the electors did not vote that to make compulsory enrolment worth while they would have to adopt compulsory voting, which they did later. Along with compulsory voting we would have to adopt other regulations, as Mr. Butcher has outlined, such as voting by post and voting by declaration to eliminate the possibility of many thousands of people being disfranchised, and at the same time being subjected to a fine.

The first state to use compulsory voting, and this state has used it continually since, was the state of Queensland. They had it for quite a few years—nine or ten years prior to any other state in the Commonwealth or the Commonwealth itself. They adopted it in 1915. It is interesting to read the debates of the Queensland house for 1915 wherein are given the reasons for adopting it. The first election in Queensland for which they used this system was the 1918 election. The Australian federal parliament of 1924 introduced an act founded on the Queensland Act, and the first federal election employing the system was in 1925. Then Victoria adopted the Queensland Act very largely and first voted on it in 1927. Tasmania followed in 1928 and New South Wales in 1930. The other two states—South Australia and West Australia—have not yet adopted it. There is an advocacy there to do it, but so far these states have refused to adopt this system.

Mr. FACTOR: That is for state elections.

Mr. MACNICOL: Yes. The federal election is under Australia itself. These two states are very large and sparsely settled. Whether that might be a reason for their not adopting it I do not know, but I can say that if you adopt compulsory voting in widespread and large areas there might be a tendency to work a hardship. The Australian federal election applies to all of the states, and for federal elections compulsory voting is used in all states.

Mr. TURGEON: They have compulsory voting for federal elections, you say?

Mr. MACNICOL: In all the states. I notice in the debates of the Australian house for 1924—the for and against debates—and I am not sure whether this is so or not—that in the argument submitted by Mr. Duncan-Hughes he brings out the fact that New Zealand had tried the system. Have you any record of that, Mr. Butcher?

The WITNESS: I have not.

Mr. MACNICOL: And Mr. Duncan-Hughes stated that New Zealand, having tried it, abolished it. That, I take to be a very significant fact. I do know that the present New Zealand Act does not contain compulsory voting. That is something concrete for the committee to remember. If that is true—and I have it in the speech of one of the members who spoke in the election debate of 1924 in the Australian house—namely, that New Zealand had tried compulsory voting and had abolished it. The gentleman who introduced the bill in 1924 in the Australian house—a Mr. Mann—pointed out that in twenty-four years—from 1900 to 1924—in all the general elections in Australia only four senators had obtained 50 per cent of the list of those eligible to vote in the senatorial districts. He was pointing out that they would have to do something to compel people to vote inasmuch as, he said, in the whole twenty-four years during the elections only four senators had obtained 50 per cent of the vote; and then he went on to state that in the senate election of 1922 the highest vote polled for any senator was 84·85 per cent and the lowest was 28·35 per cent, by which he meant that the electors who did not vote in one riding certainly did not do themselves any credit and, having the franchise they should have voted, and that the electors in the other senatorial district appreciated their federal franchise. He goes on to state further that in that election—the senate election of 1922—1,254,978 of those on the list did not vote at all, and that in the same election for the House the seat that gave the highest vote polled 89·02 per cent and the seat with the lowest vote polled 30·41.

Now, Mr. Butcher gave us the votes very nicely for the Australian federal election from 1922. I think the committee should also have the complete returns for all of the Australian states in which they have compulsory voting, and from the two states in which they have not got compulsory voting. I am now speaking

of state elections. The Australian federal election I refer to by itself. I will ask that the following figures be included in the record:—

I shall give you the results in Queensland first.

After Compulsory Voting

1918	80·27
1920	79·93
1923	82·23
1926	89·94
1929	90·52
1932	92·86
1935	92·71

I shall next give you the figures for the Tasmania assembly both before and after compulsory voting.

Before Compulsory Voting

1913	67·24
1916	73·60
1919	66·08
1922	63·09
1925	67·25

After Compulsory Voting

1928	81·90
1931	94·99
1934	94·47

I shall give you the results in Victoria for the assembly before compulsory voting.

Before Compulsory Voting—

1917	54·21
1920	63·70
1921	57·26
1924	59·24

After Compulsory Voting—

1927	91·76
1929	93·72
1932	94·20
1935	94·39

It is plain to see after compulsory voting that the number of people exercising their franchise very materially increased.

I shall now give you the New South Wales figures in regard to the elections prior to compulsory voting.

Before Compulsory Voting—

1917	61·52
1920	56·19
1922	69·98
1925	69·07
1927	82·54

After Compulsory Voting—

1930	94·94
1932	96·39
1935	95·83

Mr. Butcher gave the Australian elections from 1922.

The CHAIRMAN: Just one question before you go on with that. You were going to give us the results in the two states where they had not adopted compulsory voting.

Mr. MACNICOL: I am glad you drew that to my attention. In South Australia, where they have not compulsory voting, the results were as follows:—

1918	51·89
1921	63·77
1924	62·71
1927	77·43
1930	71·36
1933	59·45

In West Australia the results were as follows:—

1917	62·15
1921	67·34
1924	62·32
1927	73·42
1930	74·44
1933	90·60

Now, I shall give you the Australian elections prior to compulsory voting. Mr. Butcher gave the 1922 figures for the federal elections as being the last one prior to compulsory voting, and then gave all the elections thereafter. Would you like me to give all the others commencing with the 1903 Australian federal elections? I shall leave out the Senate elections when I read them, but will ask the reporter to insert them as they are much the same as the others.

The CHAIRMAN: Give them all, and we shall then have them altogether.

Mr. MACNICOL: Australia federal elections:—

Before Compulsory Voting—	Senate	House
1903	46·86	50·27
1906	50·21	51·48
1910	62·16	62·80
1913	73·66	73·49
1914	72·64	73·53
1917	77·69	78·80
1919	71·33	71·59
1922	57·95	59·36
After Compulsory Voting—		
1925	91·31	91·39
1928	93·61	93·64
1929	....	94·85
1931	95·02	95·04
1934	95·03	95·17

Mr. TURGEON: While you are on that can you give us any figures showing the percentage of votes cast in the state of West Australia and South Australia, the two states that have not compulsory voting during the period in which the federal government had compulsory voting?

The CHAIRMAN: He just gave that.

Mr. TURGEON: For these states?

Mr. MACNICOL: I gave you the figures for the whole of Australia.

Mr. TURGEON: What I want to find out is the difference in voting in the two states that have not compulsory voting during the period that the federal government had compulsory voting, as compared with the others.

The CHAIRMAN: At the federal elections?

[Mr. Harry Butcher.]

Mr. TURGEON: Yes. How did the compulsory voting affect them federally as compared with the other elections?

Mr. MACNICOL: I can tell you the vote was very materially increased.

Mr. TURGEON: You have not the figures with you?

Mr. MACNICOL: I have not them with me at the moment. The federal election results indicate that. These two states showed a material increase under compulsory voting as compared with the elections without compulsory voting. If that were not so the Australian vote in the election of 1934 would not have run up to 95·17. I can give you the figures another time.

Hon. Mr. STIRLING: Does Mr. MacNicol not think that the extraordinary rise in percentage in West Australia in 1933 was due to the fact that there was an important matter before them?

Mr. MACNICOL: Yes, there was talk of secession. That was the cause of it. They had a referendum at the same election. Of course, everybody went out and voted. That accounts for it. In the course of Mr. Butcher's remarks I interjected the remark that if the voter did not vote he was disfranchised, in addition to being fined. In the Queensland election act, 1915 to 1930, at page 28, section 7, the following appears:

> At the conclusion of an election the principal electoral officer shall remove the names of any persons from the electoral roll who failed or neglected to fill up and sign and post to the returning officer the notice as prescribed in subsections 3 and 4 aforesaid.

The name is not removed if he complies with the act and gives a valid reason for not having voted. But if he does not then his name is removed.

The CHAIRMAN: It would go on the next revision under compulsory registration if the individual was still there.

Mr. MACNICOL: No, I do not think so.

Hon. Mr. STEWART: I do not see why not, if he applies to get back.

Mr. MACNICOL: He may be able to get back, but I would say no unless he paid his fine.

Hon. Mr. STIRLING: What is the object in removing him?

Mr. MACNICOL: It is a penalty in addition to his fine.

Mr. CAMERON: If he is fined is he removed as well?

Mr. MACNICOL: Yes.

Mr. CAMERON: I should think he would be removed for a period of time only.

The CHAIRMAN: It seems to me there should be a section in the penalty section of the act stating that he is not only liable to a fine but to have his name removed for a certain length of time.

Mr. MACNICOL: Perhaps that is the case. Had I thought that question was going to be asked I would have picked out that clause. I think I had better continue a little further. Mr. Butcher referred to the informal vote. In the arguments in the Australian house and the New South Wales house by those who opposed compulsory voting it was said that there would be a very large increase in the informal ballots. Perhaps I had better read a section of the letter I received from the Department of Home Affairs, Canberra, Australia. The letter is signed by the chief electoral officer and he says:

> In respect of general elections for the house of representatives, the percentage of informal votes in 1919 and 1922

—that is prior to compulsory voting—

> was 3·46 and 4·51 respectively, and in 1925, 1928 and 1929 (subsequent to the introduction of compulsory voting)— 2·36, 4·90 and 2·65 respectively.

That would look to me like a reduction in the informal votes. Then, he goes on to say:

> This would suggest that those electors who probably would not have recorded their votes except for the compulsory provisions of the law do not lodge a greater percentage of informal or blank ballots than those anxious to exercise the franchise.

My own impression was that there would be a very much larger informal vote, because I can picture a situation where if I had to go in and vote for one of two candidates neither of whom I respected the chances are I would not vote at all. Apparently the informal ballots are not as large as I had expected to find. However, he goes on to say:—

> In the case of senate elections, the record of informal votes shows—
> Before compulsory voting—
>
> 1919 . . . . . 8·61%
> 1922 . . . . . 9·44%
>
> After compulsory voting—
>
> 1925 . . . . . 6·96%
> 1928 . . . . . 9·88%

He makes another statement in his letter which I think is worthy of record. His whole letter is very interesting but this is one clause I think worth quoting.

The CHAIRMAN: Have you the senate vote for 1934?

Mr. MACNICOL: No, I have not.

The CHAIRMAN: To complete that I may say that Mr. Butcher states in his presentation that in 1934 the informal ballots were 11·35 per cent. The other figures correspond.

Mr. MACNICOL: Is that from the electoral officer?

The CHAIRMAN: From the official records.

Mr. MACNICOL: He is very cautious in his remarks in reference to the advantages and disadvantages of the system. Near the end of his letter he makes this statement:—

> The disadvantages appear to be confined to the inconvenience some voters experience in being required to attend at the polling booths, but any real hardship in this respect is overcome largely by the power given to the administration to accept any "true, valid and sufficient reason" for failure of any elector to record his vote.

My study of the several elections returns indicated that the number of people who were finally penalized were very few. While they had the provision in the act they did not enforce it in reference to not voting. Senator Payne who was one of the principal advocates of compulsory voting in the Australian senate in 1924 elaborates that further when he says:—

> Under the Electoral act persons who are incapacitated through illness, or persons who from any other cause are unable to attend at a polling booth to record their votes, they vote by post, but certain authorized witnesses are required not only to enable a postal vote to be recorded, but also to enable an application for a vote to be made. It is quite possible that many persons are so far away from the nearest town that no authorized witness is within their vicinity. An elector so situated, and with no means of getting to a polling booth, would have a valid reason for not exercising his vote. The provisions of this bill are directed against those who have facilities to vote, but fail to do so.

That is what I find all the way through the bill. They are principally after those who can vote but do not vote. They do not desire to inflict a penalty

on those who, for many reasons, cannot vote—those who are away and therefore do not vote.

> If we made an analysis of the voting in any locality, we should find in all probability that the number of persons who, with every facility to reach a polling place, failed to record votes was as large as the number of those who were unable to vote because of distance from persons authorized to witness postal votes or lack of facilities to reach a polling booth. In conjunction with the Electoral act, this bill will provide every facility for the recording of votes, but those who wilfully abstain from voting will be liable to a penalty of £2. The main object is to compel those who enjoy all the privileges of living in Australia, and all the advantages of Australian law, to take a keener interest in the welfare of their country than they have hitherto shown.

I think that is the objective we have here, too.

Something was said in reference to the cost, and this will agree with what Mr. Butcher stated. This letter is from the chief electoral officer in the State of New South Wales, in reference to the assembly elections, and states:

> So far as New South Wales is concerned, it cannot be said that compulsory voting, which operated at a general election for the first time in October, 1930, has materially increased the cost of an election. There are certain additional expenses in the way of printing, postage and clerical work, but the 1927 general election (without compulsory voting) cost more than the 1930 general election (with compulsory voting). There are many other items, however, to be taken into account when comparing the cost of election.

The CHAIRMAN: Just one question there, Mr. MacNicol. In that 1930 vote, did they have compulsory registration?

Mr. MACNICOL: Yes, compulsory registration.

The CHAIRMAN: That is where the cost is incurred, is it not?

Mr. MACNICOL: Yes. I would say that compulsory registration is just as expensive there as it is here.

The CHAIRMAN: Yes, I see.

Mr. MACNICOL: Continuing with the letter:—

> It is pointed out also that if non-voters are dealt with leniently, very little is collected in fines, but fines would amount to many hundreds of pounds if dealt with harshly.

As a matter of fact, they do not enforce the law very extensively in reference to fining a man who does not vote. Their compulsory act has certainly increased the percentage of those voting in Australia. But, Mr. Chairman, it would strike me that there is a vast difference between voting in Australia and voting in Canada.

Mr. GLEN: There is.

Mr. MACNICOL: In Australia all the people are practically of one race. In Australia they have no climatic conditions to overcome like we have in Canada. I presume they could hold all of their elections or any of their elections in any month of the year, although they do not do it. Their custom has been to hold their elections principally in November and December, but they have held them in September and October. In Canada, with compulsory voting, what would it mean? Suppose we had compulsory voting in the riding represented by my hon. friend from Marquette, a large riding extending away up into the northern latitudes, and suppose that an election were held in December or January or February, in stormy conditions. Climatic conditions would prevent people from

going to the poll. Large numbers of people would be subject to at least writing in to explain that they were kept back on account of the storm. So I would imagine if Canada adopted the compulsory voting law, it would necessitate our also adopting a further law in addition to the one Mr. Butcher has mentioned, that there should be no general elections held in November, December, January, February, and March. In other words, we would have to change our whole system of giving a government the responsibility of announcing when a general election shall be held. At the moment the government has full power to hold an election in any month; but if we adopt compulsory voting, it would strike me that we would be shut out right away from holding elections in any of the months that were subject to great storms, when climatic conditions would make it impossible for people to go out to vote.

Mr. CAMERON: You would have to clean up the question of by-elections. Under the statute a by-election must be held within a certain time.

Mr. MACNICOL: As to compulsory enrolment, while that may be a little aside from the question—

The CHAIRMAN: There is one question I would like to ask you here before you go into compulsory enrolment. Both you, Mr. MacNicol, and Mr. Butcher have mentioned some of these religious objectors or conscientious objectors. Do they have any trouble with those people, or what percentage of the people are conscientious objectors?

Mr. MACNICOL: They allow a man to refuse to vote on account of being a conscientious or religious objector. Their regulations are so full and so wide in Queensland there that almost anyone can get out from polling his vote if he felt that he was not compelled by law to do it. On the other hand, the Act has worked materially to increase the number of people who vote.

Something was said about the cost of elections. Our last election here—that is the one in 1935—was not only costly to the government but was costly to the candidates. Personally, I am unalterably opposed to the candidate or the member being compelled to finance the enumeration in his riding, the same as we had to do prior to the last election.

Mr. FACTOR: I do not understand that, Mr. MacNicol. What do you mean by that?

Mr. MACNICOL: I am just coming to that, Mr. Factor. It is true that a registrar of electors is appointed for the ridings, and he opens an office. Later on he opens two or three branch offices to which he goes around in order to interview people who come to his office. But the number of people who will go to get themselves on the list, Mr. Chairman, is not at all like the number of people who will go to get their names on the list if the candidate gets out and sees that their names are gotten on. I will give you my own experience, and it was a rather bitter experience. I suppose it occurred in most ridings in Toronto or, I presume, even in Spadina. There were a great number of people added to the list. I believe in my riding there were about four thousand odd names added to the list.

The CHAIRMAN: I wonder if we should go into that. That is dealing with compulsory registration. My own impression of the matter was that we should deal with compulsory voting and compulsory registration together; but the decision of the committee last day was that we should deal with compulsory voting. I should like to know what the opinion of the committee is now, as to whether we should branch out into the other phase of the situation as well.

Mr. TURGEON: We already decided to decide on voting first.

The CHAIRMAN: I beg your pardon.

Mr. TURGEON: We voted definitely the other day to decide on compulsory voting first.

The CHAIRMAN: Yes.

Mr. MACNICOL: At that time I said that we were putting the cart before the horse. In all these states in which they have compulsory voting, the first thing they did was pass compulsory enrolment and later compulsory voting. However, I was just going on to say—

The CHAIRMAN: I should like to ask another question of Mr. Butcher.

By the Chairman:

Q. Mr. Butcher, in your research into this matter have you come to the same conclusion, that compulsory registration is absolutely essential if we are going to have compulsory voting?—A. I certainly have.

Mr. TURGEON: I agree with that. But the conclusion we came to the other day was that we were first going to decide whether or not we wanted compulsory voting. Then if we wanted compulsory voting, we would have to discuss and consider all the steps leading up to it. But if we decide that we do not want compulsory voting, we may or may not give consideration to the other proposals that might lead up to it. That is the way we decided it the other day. I do not want to stop Mr. MacNicol, though.

Mr. MACNICOL: It will take but just a minute for me to finish what I have to say.

Mr. TURGEON: I am not trying to stop Mr. MacNicol. I am just giving you that opinion.

The CHAIRMAN: I was just wondering if, from the standpoint of the record, it might not fit in better at another stage.

Mr. GLEN: You must remember that Mr. Butcher dealt with the question of expense, and Mr. MacNicol is now doing that.

The CHAIRMAN: Proceed, Mr. MacNicol.

Mr. MACNICOL: I will be through in a moment. I was addressing myself to the hon. member for Spadina, and I had said that prior to the last general election it was up to the candidate or the member—whichever it was—to get out and get the people to enrol. Whereas had we followed the system used in 1930, the government did it.

Mr. FACTOR: By enumeration.

Mr. MACNICOL: By enumeration of the two, one appointed by the government and one appointed by the candidate who had the largest vote or of the party which had the largest vote in that riding in the last election. I was going to close my remarks by saying that whereas all other states that have compulsory voting first enacted compulsory enumeration, I am convinced that our act of 1930, with its enumeration, was almost equivalent to compulsory enrolment. That is, two men went to every house to see that people were gotten on the list. They were government men and the people listened to them; and in the 1930 election I believe we did have a fairly substantial—almost one hundred per cent—enrolment. So that if we do consider compulsory voting, the act of 1930, with its enrolment feature that we had in this country, would almost obviate our having to pass compulsory enrolment here. But I think the main thing to consider is that even here in Canada,—as Mr. Butcher, I think, gave a year ago,—under our present system we had a fairly high polling of votes. Did you give those figures a year ago, Mr. Butcher?

The WITNESS: Yes, I did.

Mr. MACNICOL: Well, it will do no harm to read them.

The CHAIRMAN: What is the page?

Mr. MACNICOL: On page 28 of the revised evidence of last session, contained in Appendix 5 to the Journals of the House, 1936, in reply to a question

by Mr. Heaps, this information was given by somebody, that in that 1935 election—that is, the federal election—the percentage of votes polled by provinces was:—

Province	Percentages
Ontario	73·44
Quebec	75·87
New Brunswick	77·55
Nova Scotia	75·56
Prince Edward Island	80·31
Manitoba	75·37
Saskatchewan	76·87
Alberta	65·38
British Columbia	76·51
Yukon	70·08
Total for Canada	74·17

That is an average of 74·17 per cent. That is not just quite as high as Mr. Butcher gave; and I interjected that in many ridings in Canada the vote was between 85 per cent and 90 per cent. My memory is that in one or two ridings over 90 per cent of the people on the list voted. So that even under our present system in Canada we have not got very much to be displeased about or ashamed of, without compulsory voting. There are the facts, Mr. Chairman.

Mr. GLEN: There is a provision in the act regarding a person who is disqualified. There is a proviso here at the end of the section of the Queensland Act which says:—

> Provided that any person whose name has been removed from the roll pursuant to this sub-section shall be required to furnish a new claim for enrolment before the reinstatement on the roll of such person shall be effected.

That is section 63 of the Queensland Act. A person who has been disqualified for not voting has got to make a new claim for enrolment.

Mr. FACTOR: I am sorry that I have to leave, Mr. Chairman, and I wonder if you would permit me to say, that after giving the matter considerable consideration,—not in the nature of being a reformer,—I cannot see that we can gain any advantage by enacting compulsory voting. I do not like the word "compulsion" in any event, but particularly with regard to elections. Considering the figures just given by Mr. MacNicol, we are doing very well without encumbering our election act by this elaborate system prevailing in Australia.

Hon. Mr. STIRLING: Is anybody in favour of it?

By the Chairman:

Q. In the suggestions you have received, Mr. Butcher, can you tell us how many favoured compulsory voting?—A. I think five of the members were in favour of it, not more.

By Mr. Glen:

Q. Has Mr. Butcher any statement from those in authority in Australia showing that they are satisfied with compulsory voting?—A. Yes, I have. You will recall that I read an extract from a letter which I received from the chief electoral officer, in which he said they were quite satisfied and it was very unlikely there would be any change in the practice.

Mr. GLEN: I would suggest, in view of the evidence that has been given this morning by Mr. Butcher and Mr. MacNicol, that we should leave this over until

our next meeting and then give our conclusions. There are quite a number of things involved which, as Mr. MacNicol points out, members of the committee would have to consider in arriving at a decision, and I think they would be assisted to that end by having the report of the evidence before them.

The CHAIRMAN: It seems to me that we can go this far at least, it appeals to me, that in any event unless we have compulsory registration we should not have compulsory voting.

Mr MACNICOL: And, voting by post; you would have to have that, and voting by declaration, and absentee voting.

The CHAIRMAN: Would it be satisfactory to the committee then to let the matter stand until our next meeting, and we will deal then with compulsory registration?

Mr. FACTOR: We would take the two subjects together.

Mr. GLEN: Both subjects are together. We can't divorce them.

The CHAIRMAN: We could possibly dispose of them both at our next meeting, and we will get all the information that the witness has in connection with compulsory registration, so that the committee may be able to deal with both of these subjects together.

Mr. MACNICOL: I think we could give special consideration to the climatic conditions in Australia and Canada. If we adopted compulsory voting I for one would not support it if an election were being held in December, January, February or March; I am afraid a very large number of voters might be disfranchised on election day.

The CHAIRMAN: That would include by-elections also.

Mr. MACNICOL: Oh, yes, that would apply to by-elections in the same way.

Hon. Mr. STEWART: By common consent we have not had any general elections for the last number of years in the winter months. That might become necessary in the case of by-elections, but it has not been the practice with respect to general elections.

Mr. TURGEON: But you can't support that by law.

Hon. Mr. STEWART: No, but it has been the practice.

The CHAIRMAN: I think we have had a very interesting morning. There is a lot of material there for you to consider. I do not know yet just when it will be possible for us to sit again but we will see you get word at the earliest possible moment.

The Committee adjourned at 12.35 p.m. to meet again at the call of the Chair.

HOUSE OF COMMONS,

ROOM 429, March 4, 1937.

The Special Committee on Elections and Franchise Acts met at 11 o'clock, Mr. Bothwell the chairman presided.

The CHAIRMAN: Gentlemen, if you will come to order we shall proceed. This morning we are to deal with compulsory registration. Is there any member of the committe who wishes to say anything before we hear Mr. Butcher?

Mr. HARRY BUTCHER, recalled.

Mr. Chairman, and gentlemen, I shall be frequently referring to certain electoral officers of Australia by their title of office, and I thought perhaps it might, in this connection be advisable once again to read a portion of a letter I received from the Chief Electoral Officer of Australia, dated 23rd April, 1936, enumerating, and defining the duties, of all the principal electoral officials. He states:—

The Commonwealth Electoral Administration comprises

(*a*) The Chief Electoral Officer for the Commonwealth, who is responsible for the Administration throughout the Commonwealth;

(*b*) A Commonwealth Electoral Officer for each of the six States, who, subject to the direction of the Chief Electoral Officer, is the principal executive Electoral Officer in the State."

Mr. MCINTOSH: Like each province of Canada?

The WITNESS: Yes.

(*c*) A divisional Returning Officer for each of the 74 Electoral Divisions (28 in New South Wales, 20 in Victoria, 10 in Queensland, 6 in South Australia, 5 in Western Australia and 5 in Tasmania) who, subject to the control of the respective Commonwealth Electoral Officer, officiates in his respective Division, and

(*d*) An Electoral Registrar for each Subdivision (i.e. registration unit) of each Division, who acts under the direction of the respective Divisional Returning Officer."

The CHAIRMAN: For each part in a subdivision?

Mr. MACNICOL: It would not be for that. I imagine it would be for each riding.

The WITNESS: No, for each subdivision.

The CHAIRMAN: Corresponds to our enumerator.

Mr. MACNICOL: These are permanent officials.

The WITNESS: Perhaps I might point out that the subdivisions contain very many more electors than under our system. I hold in my hand a list of electors in which we have a subdivision with 1,326 electors, another with 2,800, another with 3,001, another with 1,417, and others 3,229, 394, 816 and 748. I intended to refer to some of these subdivisions because it seemed to me it would be rather expensive to have a registrar for such small numbers as we usually have in our polling divisions.

Mr. MacNicol: That accounts for it. They have larger subdivisions.

The Witness: Yes.

Mr. MacNicol: From five to ten times the size of what we have in Canada.

The Witness: Yes.

The Chairman: There is one question I should like to ask. With 3,000 people, for instance, in what corresponds to our polling subdivisions, they must divide them into polling subdivisions?

The Witness: They do, undoubtedly, but it is a subdivision with various polling stations.

Mr. Heaps: Before you leave that point I should like to ask if you have any reasons to give, or have you been able to ascertain any reasons why the electoral subdivisions in Australia are so much larger than ours.

The Witness: I do not think the whole electoral district is usually larger than it is here, but they have fewer subdivisions.

Mr. Heaps: I mean polling divisions.

The Witness: I have no evidence on that point. Possibly it is because the electoral registrar is an official with some degree of permanency.

Mr. McIntosh: You mean the number of political divisions in each electoral district is fewer than ours?

The Witness: Much fewer than in Canada.

Mr. Heaps: That is what I was contending a week or so ago.

The Witness: I might point out that the electoral registrar is fairly well paid. He is retained at £50 a year, but in addition to that he receives certain sums I think it is 20 shillings for every 100 effective notations made by him on the electoral list of his subdivision.

Mr. Heaps: How do the costs of elections in Australia compare with the elections in this country?

The Witness: Elections or registration?

Mr. Heaps: The whole thing, complete.

The Witness: I have a table later on, if you would not mind leaving it until then. The Chief Electoral Officer makes the following note:—

> As a general rule the Divisional Returning Officer in Metropolitan Divisions is also the Electoral Registrar for the whole of the Sub-divisions in his division and in country Divisions the Divisional Returning Officer is also the Registrar for such Subdivisions as are convenient to his headquarters.
>
> The Chief Electoral Officer, Commonwealth Electoral Officers and Divisional Returning Officers, together with their requisite staffs of Clerks, etc., are permanent officers of the Commonwealth Public Service and give their full time to such official duties as are imposed upon them. (These duties include mainly Registration of electors and the maintenance of the rolls, conduct of Parliamentary and other elections and Referenda, taking of Census, etc.).

It will doubtless be remembered that during the committee meetings of last session the question was asked as to the cost of taking the census, and whether it was included in the cost of electoral administration.

Hon. Mr. Stevens: In Australia?

The Witness: Yes. I wrote to the Chief Electoral Officer and asked him that question and he replied:—

> The amounts of £100,000 and £200,000 given in my previous communication as the approximate cost of the administration of the Common-

wealth electoral laws in non-election and election years respectively do not include expenditures involved in the taking of the census.

Another question that was asked during one of the meetings of last session had to do with the manner of appointment of the permanent officials. I asked that question and received the following answer:—

> The permanent officials of the Electoral Administration are officers of the Commonwealth Public Service. They originally enter the service through qualifying by competitive examination. They are appointed in the first place by the Public Service Board and those in the senior positions acquire such position by promotion in accordance with the principles of merit (efficiency) and seniority under the Public Service Act. The officers having statutory powers are, in fact, also formally appointed by the Governor in Council to the offices they hold but in effect this is a mere formality coming after their selection and appointment by the permanent Head and Public Service Board. The appointments are therefore quite free from any political choice or control.

I have outlined the skeleton of the administration. I think I should now point out the qualifications under which a person is entitled to be enrolled in Australia. The qualifications are as follows: the claimant must be a British subject either by birth or naturalization; he must be 21 years of age; he must have resided 6 months continuously in the Commonwealth and one month in the subdivision. There are some disqualifications which I think I should mention to the committee. Section 39 of the Election Act referring to disqualifications is as follows:—

> (4) No person who is of unsound mind, and no person attainted of treason, or who has been convicted and is under sentence for any offence punishable under the law of any part of the King's dominions by imprisonment for one year or longer, shall be entitled to have his name placed on or retained on any roll or to vote at any Senate election or House of Representatives election.
>
> (5) No aboriginal native of Australia, Asia, Africa, or the Islands of the Pacific (except New Zealand) shall be entitled to have his name placed on or retained on any roll or to vote at any Senate election or House of Representatives election unless so entitled under section forty-one of the Constitution.

Mr. MacNicol: Pardon me, Mr. Butcher, but does section 41 apply to returned soldiers.

The Witness: No; this is section 41: "No adult—"

The Chairman: Had you finished reading the section?

The Witness: Yes. Section 41 of the Constitution is as follows:—

> No adult person who has or acquires a right to vote at elections for the more numerous House of the Parliament of a State shall while the right continues be prevented by any law of the Commonwealth from voting at elections for either House of the Parliament of the Commonwealth.

The Chairman: I do not get that, myself.

The Witness: If the person is entitled to be enrolled in the State under some regulations or under the law of the State then he is not precluded from being enrolled on the Commonwealth list of the roll of electors.

Mr. Glen: How does it deal with aboriginals?

The Witness: I do not know the effect of that.

Mr. Glen: It is only a matter of curiosity.

By Hon. Mr. Stevens:

Q. Is the reverse true, namely, if a person is not entitled to vote or to be enrolled in the State is he precluded from being enrolled in the Commonwealth? —A. No, evidently not so. He may be entitled to enrolment in the Commonwealth, but not in the State.

Q. Is that so?—A. It is.

Q. The whole thing seems to contradict.—A. I am just quoting the act as it appears here. I shall read one of the sections again:

> (4) No person who is of unsound mind, and no person attainted of treason, or who has been convicted and is under sentence for any offence punishable under the law of any part of the King's dominions by imprisonment for one year or longer, shall be entitled to have his name placed on or retained on any roll or to vote at any Senate election or House of Representatives election.

The CHAIRMAN: That one refers to 41?

The WITNESS: The next section refers to 41. I shall read the whole paragraph again:—

> No aboriginal native of Australia, Asia, Africa, or the Islands of the Pacific——

which, it might be noted, would include Japan

> (except New Jealand) shall be entitled to have his name placed on or retained on any roll or to vote at any Senate election or House of Representatives election unless so entitled under section forty-one of the Constitution.

Section 41 of the Constitution reads as follows:

> No adult person who has or acquires a right to vote at elections for the more numerous House of the Parliament of a State shall while the right continues be prevented by any law of the Commonwealth from voting at elections for either House of the Parliament of the Commonwealth.

Mr. MACNICOL: It means anyone who can vote in a state election can vote in the federal election. The only case that we have like that in Canada, I presume, is the restriction in British Columbia.

The WITNESS: Yes.

The CHAIRMAN: It is the reverse.

The WITNESS: It is the reverse.

Hon. Mr. STEWART: Every person entitled to vote in one of the provinces cannot vote in the federal elections. There are separate qualifications, probably, for every province.

The WITNESS: They have different qualifications in the states to which I shall refer later. Within 21 days of becoming eligible every elector must make application for enrolment either personally or by mail on a prescribed form. I have in my hand the form that is used by an applicant for registration. First of all it provides a space for the surname, the christian name, the place of living and the occupation of the claimant, the date and year of birth, the place of birth, and, in the case of a married woman, her former surname. It is addressed to the electoral registrar for a subdivision in which the claimant wishes to enrol and contains the following statement:—

> I am an inhabitant of Australia and have lived therein for six months continuously. I am a natural born or naturalized subject of the King, am not under the age of 21 years, and am qualified to be enrolled as an elector.

I claim to have my name and particulars for enrolment placed on the Electoral Roll for the above-mentioned Subdivision in which I now live and have lived for a period of not less than one month immediately preceding the date of this Claim.

I declare that the whole of these statements made in this Claim are true to the best of my knowledge and belief.

The claimant must then personally sign the application and it must be witnessed by a witness who with his own personal signature certifies as follows:—

I, the undersigned, am an elector or a person qualified to be an elector of the Commonwealth, and I certify that I have seen the above-named claimant sign the above claim, and that I either know the statements contained in the claim to be true or have satisfied myself by enquiry of the claimant or otherwise that the said statements are true.

This form of application is enclosed in an envelope and forwarded post free to the registrar of electors for the division.

By Mr. MacNicol:

Q. That is part of the compulsory enrolment?—A. Yes.

Q. The citizen must, on reaching 21 years of age, make application to be enrolled?—A. Yes; or on acquiring eligibility in any other manner. Within 21 days after acquiring eligibility, as I have already stated, the eligible elector must make application for enrolment. Within 21 days after removal from one place of living to another the enrolled elector must make application for transfer of enrolment. The Chief Electoral Officer informs me it is customary to use the same form for both purposes, although a separate form is provided for them. The penalty for the first offence is ten shillings, and £2 for subsequent offences; that is, failure to make application.

Mr. MacNicol: With regard to the transfer section there is a regulation which states that when the citizen makes application for transfer of voting privileges from one division to another the registrar of the next division enrols him and then notifies the other registrar to strike the name off his list. You have that there, Mr. Butcher, have you not?

The Witness: That follows in my memorandum. With regard to these penalties the Chief Electoral Officer in a letter dated April 23, 1936, advises me as follows:

In administering the compulsory enrolment provisions of the law every effort is made to avoid harshness. A notice reminding the public that correct enrolment is compulsory is constantly kept on exhibition at all post offices and as a general practice postmen and agents where practicable either leave claim cards and envelopes with persons whom they list on the Habitation Cards and Agency lists or otherwise remind them of their obligation to enrol. Nevertheless as many neglect this obligation a considerable degree of compulsion is found necessary, about 25,000 persons being fined annually for failure to comply with the compulsory enrolment provisions of the law. When it is disclosed that a person has so failed a notification is issued to him by the Divisional Returning Officer. The defaulter may make any explanation he desires and may consent to his case being dealt with by the Commonwealth Electoral Officer, thus avoiding proceedings in the ordinary Courts. With very few exceptions defaulters choose to be dealt with by the Commonwealth Electoral Officer, who is empowered by the law to impose a small fine if he so determines. The penalty imposed is, except in the case of second offences or aggravated continuous default, usually a nominal one of 2/6d and wherever even this small amount would involve a hardship no penalty at all is imposed.

The aim of the Commonwealth is to keep the registration of electors constantly and continuously up to date so that whenever an election or referendum eventuates a thoroughly accurate and complete roll of those entitled to vote is immediately available. It may be mentioned that under arrangement with the States a joint roll for both Commonwealth and State purposes is now maintained by the Commonwealth Electoral Administration in four of six States. In only two States (Queensland and Western Australia) are separate rolls kept by the State authorities and it is probable the joint roll arrangement will be made applicable in these States at some future date.

By Mr. Heaps:

Q. Have you any idea how this joint arrangement works out as between the state and federal governments?—A. Yes, I understand it is very satisfactory. I should point out there is another form of application for claimants who are entitled to be enrolled in both the Commonwealth and state rolls. In the case of New South Wales the residence qualifications slightly differ from those required in the Commonwealth.

Q. How long has this compulsory registration been in vogue in Australia?—A. Since 1924.

Q. About 13 years. There has been no attempt or feeling on the part of the people of Australia to discontinue it?—A. I refer to that later.

Mr. McINTOSH: We would require the co-operation of all the provinces before it could be applied federally.

The WITNESS: Yes, if the rolls are to be joint.

Mr. HEAPS: No.

The WITNESS: You have to have the consent of the provinces before you could have joint registration.

Mr. HEAPS: Personally I think a joint arrangement would be beneficial.

Mr. McINTOSH: If you have a system of compulsory registration and the provinces were unwilling to co-operate you would not have the joint arrangement they have here.

Mr. HEAPS: No.

Mr. MacNICOL: Before you leave that point make it clear whether the same list is used for each state, or each house in each state and in the federal elections of that same state.

The WITNESS: In four of the states.

Mr. MacNICOL: All except two.

The WITNESS: Except Queensland and Western Australia.

Mr. MacNICOL: The same list, a joint list.

The WITNESS: A joint list.

Mr. McLEAN: That is all very interesting but really I was wondering whether a great deal of this is helpful to us in what we have had. It is very interesting but I am wondering if it is necessary.

The CHAIRMAN: I am in the hands of the committee but it strikes me that we would all like to know how it works out in Australia and how they have organized the Commonwealth of Australia in order to put it into effect. It seems to me that the information that Mr. Butcher is giving is valuable to us in arriving at a conclusion as to whether we want compulsory registration.

Mr. MacNICOL: The committee must have before it the relative costs in Canada and Australia and the possibility or probability of the provinces co-operating as the states co-operate in Australia. I think the information is pertinent.

By Hon. Mr. Stewart:

Q. May I ask Mr. Butcher a question. I understood you to say, Mr. Butcher, that in four of the states of Australia the qualifications for the state elections and the federal elections were identical.—A. No, you misunderstood me. I said the rolls were identical.

Q. I thought you said the qualifications.—A. No. In the case of New South Wales this is the declaration as to residence that has to be completed by the applicant for enrolment.

"I am an inhabitant of Australia.

I have lived in Australia for six months continuously, and in New South Wales for at least three months.

I am a natural born or naturalized subject of the King, and not under the age of 21 years, and am not disqualified for enrolment as a Commonwealth and a State elector.

I now live and have lived in the above named Subdivision for a period of not less than one month immediately preceding the date of this claim."

Q. After all, we would have to have two lists.—A. They have one list.

By Mr. McLean:

Q. To qualify they must have lived in this state three months and in Australia six months. Do the six months they must live in Australia cover the three months?—A. To be eligible for enrolment in the state they have to declare they have been in the state for three months. As far as the Commonwealth is concerned they only have to be in the subdivision for one month.

By Hon. Mr. Stewart:

Q. One other question; are the qualifications in the four states that you refer to identical with the federal qualifications?—A. No, three months residence is required for enrolment as a State elector, and only one month as a Commonwealth elector.

Q. Take the Dominion of Canada. The qualifications for provincial elections differ in each province.—A. Yes, they do.

Q. It does not seem to me to be getting anywhere by trying to have a joint list. Some provinces have women voters and others have not.—A. I agree with you in regard to Canada. In Australia distinguishing marks are placed against ths names of electors on the roll to show whether they are entitled to vote in both the Commonwealth and the state, or in the state and not in the Commonwealth or in the Commonwealth and not in the state.

The CHAIRMAN: I think possibly we have gone far enough now to dispose of the question of using joint lists, so far as this committee is concerned.

Hon. Mr. STEWART: You cannot do it.

The CHAIRMAN: It cannot be done.

Mr. HEAPS: Is not that statement a little too sweeping. It can be done in some provinces. I think it could be done very easily in the province of Ontario. There is no reason why it could not be done there. As far as the qualifications are concerned they are very similar. The same applies to other provinces. I do not see any reason why it could not be put into effect there. In those provinces where the qualifications for voting are different the situation is somewhat different. They could not come under the joint arrangement, and would not be compelled to.

Mr. MACNICOL: Mr. Butcher, take a riding in Victoria for the local legislature, does that conform to the same riding, or would there be another riding in Victoria for the federal election exactly the same as the riding for the local election?

The WITNESS: The lists are precisely the same.

Mr. MACNICOL: That is for subdivisions.

The WITNESS: Yes. That is the point.

Hon. Mr. STEVENS: Would it not be wise to confine ourselves to the question of whether or not federally we are prepared to recommend compulsory registration and not bother ourselves about the provinces joining, because that is obviously a matter that has got to be considered. I can see endless difficulties if we go into that realm, and we cannot decide it. Why not limit our consideration to the question of whether or not we are going to support or recommend compulsory registration.

Mr. MACNICOL: Compulsory registration is not before us; it is compulsory voting.

The CHAIRMAN: No, Mr. MacNicol; compulsory registration.

Mr. MACNICOL: In reference to compulsory registration—

Hon. Mr. STEVENS: Pardon me. I was not objecting to getting this on the record, apart from going into details concerning states or provinces as the case may be.

Mr. MCINTOSH: It is just a case of whether the committee should have some kind of support direct from the provinces.

The CHAIRMAN: I think we had better confine ourselves to the reference before us. That reference asks us to report on compulsory registration. As far as these other matters are concerned—provincial lists or anything of that kind—that is a matter that can be considered at some other day.

Mr. MCINTOSH: If it does not come within our purview we cannot go into it

Mr. MACNICOL: If we do not go back to the same system of registration or enumeration that prevailed under the 1930 act, then I would just as soon or much sooner have the compulsory system of registration than that under the 1934 act. In reference to the 1930 act, my memory is that it worked very satisfactorily as far as registration is concerned. Two enumerators were appointed, one by the government party—whatever the government party should be at the time of an election—and one was appointed by the candidate or the party having the next largest vote in the previous election.

The CHAIRMAN: I think that question raises another that we might go into. We are getting off on sidetracks.

Mr. MACNICOL: I cannot see how we can endorse compulsory registration without at the same time determining whether the Australian system is more effective than the system Canada used in 1930; and I am pointing out that in my humble opinion the system which was largely the same as compulsory enumeration that operated in 1930 was a very fine system because, as I said, with two men going to the door of every residence in the riding, and the government appointees having the authority they have, they enrol and register the people. I cannot see much difference between our system in 1930 and the Australian compulsory voting.

The CHAIRMAN: After we hear everything possible regarding compulsory registration and compulsory voting we can then arrive at a conclusion as between that system and the system which we had in 1930, for instance, and the one that is in vogue now.

Mr. CLARK: Take the case of this first enrolment. What happens then? What does the registrar do? How does he check the registrations?

The WITNESS: That is the next point in my memorandum. The registrar on receipt of this card, if he is quite satisfied about it, enters the name on the roll. It is his duty to notify the applicant that he has been enrolled. On the

application card I have in my hand the following words appear: "The claimant should see that he receives an acknowledgment of this claim in due course."

Mr. CLARK: How does the registrar check it?

The WITNESS: Apparently, he does nothing. He is satisfied on the basis of the application, and he enters the name on the roll. In the case of a transfer, it is the duty of the registrar to notify the registrar of the subdivision from which the elector has removed. If the registrar is not satisfied it is his duty to refer the application to the divisional returning officer. There is an appeal from the decision of the divisional returning officer to a court of summary jurisdiction. Very wide powers are given to registrars themselves to correct the rolls. I will not now take time to read what those powers are. I will now come to some rather important features in connection with compulsory registration. Notwithstanding the fact that registration is compulsory in Australia it has been found necessary to supply departmental aids in order to ensure accuracy of the roll. The first is known as the habitation index system. It is for use in urban subdivisions. There is a card for each habitation, except residential hotels, colleges, hospitals and like institutions. The card is given to each postman who checks on his own beat all entries twice a year and brings them up to date. For that service he is paid 17 shillings and 6 pence for every 100 effective notations that he makes on the habitation cards. Residential hotels, colleges, hospitals and like institutions are checked periodically by the electoral registrar. In addition to that, in the rural districts there is a special arrangement known as the agency system, because the habitation system is not there practicable. Certain specified persons holding public offices are supplied with forms providing for correction of the list periodically, and they are paid 10 shillings for every 100 effective notations.

I have in my hand a form that is given to these agents. It is in the form of a book and includes the names of all electors residing in the district to which they have been alloted, and the agents make memoranda on the interleaved pages, covering all removal or alteration of names enrolled thereon.

The Registrar General of Vital Statistics is called upon as early as possible in every month to give appropriate information to the commonwealth electoral officer. The Comptroller General of Prisons has to advise the electoral officer of all adult persons in gaol under sentence for one year or longer. When this information is sent to the electoral officer it is his duty to correct the lists accordingly. I might point out that there are three different rolls kept. There is one kept in each subdivision, one in each electoral division, and a state roll. We have already referred to the joint rolls.

Mr. MACNICOL: Did you refer to any clause having reference to the marriage of a spinster?

The WITNESS: The registrar must be informed not only of the death of all adult persons but also of the marriage of adult women; in fact all vital statistics affecting adults. As regards compulsory registration in Australia, the chief electoral officer informs me that it costs about £100,000 a year or roughly $400,000 for registration only.

Mr. MACNICOL: So that in our case with four years between elections, as a rule, it would cost £400,000 or $2,000,000 if we were on the same cost basis, which we would not be; it would be much more. It would be at least $2,000,000.

The WITNESS: I have comparisons which will come a little later. The cost of registration, I have mentioned, is £100,000 which is made up as follows: Salaries and allowances of permanent staff, including temporary assistance, travelling, etc., £70,000; office accommodation including cleaning, fuel, light and power, £8,000.

General office expenses—stationery, office requisites and equipment, postage, telegrams, telephone service and incidental, £3,000. Altogether that, together with some other items which I have not mentioned, makes a total of £100,000.

The cost of compulsory registration in Australia as compared with the cost of registration in Canada is as follows: In the year 1934 there were 3,999,007 electors on the rolls in Australia. The cost of registration during the life of a four year parliament would be approximately $1,600,000, or 40 cents per elector. In the year 1934 the enumeration of approximately 5,918,000 electors cost $1,539,737 in Canada or 26 cents per elector.

Mr. MacNicol: That is only for registration. Was this the first enumeration or the second?

The Witness: The general registration in 1934. The estimated cost to the government alone of annual revision in Canada under the 1934 Dominion Franchise Act with printing as in the year 1935 would be, it is estimated, the sum of $1,800,000, during a four year period. That is for the four year period of revision as in 1935.

Mr. MacNicol: One million—

The Witness: $1,800,000.

Mr. MacNicol: You can add to that. In the election year the government does practically nothing. We have a registrar in each riding and he goes to his office, and he opens up two or three other offices, but unless the candidates see that the electors go and register they are not registered.

Mr. Factor: You speak with a lot of feeling.

Mr. MacNicol: We are opposed to it.

Witness: In the year 1935 there were 5,918,207 names on the list of electors. Therefore, the cost in the four years of anual revision under the 1934-35 Dominion Franchise Act would be 30 cents per elector. But when considering the cost to the government, the matter of efficiency should also be considered, and it would seem that compulsory registration in Australia, with the complementary administrative aids, must result in more correct lists of electors, than annual revision as provided in our 1934 Dominion Franchise Act could ever produce.

Mr. Heaps: Before you leave that point, is it not important to note that those lists are also utilized for state purposes in Australia. If you are going to make a comparison with Canada you would have to add to our costs the cost of provincial elections.

The Witness: For state purposes?

Mr. Heaps: In the various states of Australia.

The Witness: The cost is borne one-half by the state and one-half by the federal authority.

Mr. Heaps: If we are going to make a comparison between Australia and Canada as to costs it would be fair to add to the cost in Canada the cost of provincial registration as well. On the other hand, you do not get a fair comparison. You should deduct the various amounts that are charged to the various states in Australia.

Mr. MacNicol: Yes, that is right. Or were the figures you gave the federal figures only?

Witness: Yes. They were the federal figures only.

Mr. MacNicol: The state figures have nothing to do with it?

Witness: No.

Mr. McLean: Was that 40 cents the cost after deducting what the state paid?

Witness: No. It was the total cost.

The Chairman: No. It was the total cost.

The Chairman: Have you the cost of the revision in Canada in 1935?

The WITNESS: Yes, I have. $448,000 or more.

Mr. MCINTOSH: A half million dollars in round figures.

The WITNESS: $448,582. I shall now very briefly refer to the situation in New Zealand. The New Zealand Act seems to be based upon the Australian Act, although there are many minor details in which they differ. In New Zealand it is necessary for the claimant for enrolment to have lived in the dominion for one year and in the electoral district for three months. It is one month only in Australia. Every elector must make application for enrolment within one month of becoming qualified and must give notice of removal from his registered address within two months of removal. If the elector is temporarily absent from his own sub-division for not less than three months, he is required to notify the registrar before the expiration of that period. In other respects, the terms of the Electoral Act with regard to compulsory registration in New Zealand are practically the same as those in Australia.

At one of the meetings of the committee last year I was asked to ascertain the effect of compulsory registration upon voting in New Zealand. I will state the case as follows:

In the last election prior to the adoption of compulsory registration which was held in the year 1922, 89·46 per cent of men and 87·85 per cent of women voted. In the following election—in 1925, 92·10 per cent of men and 89·71 per cent of women voted. In the election of 1928 89·03 per cent of men and 87·03 per cent women voted. In the election of 1931 84·51 per cent men and 81·99 per cent women voted, and in the election of 1935 92·02 per cent men and 89·46 per cent women voted. It may be observed that the difference is not very marked.

I was also asked to ascertain the cost of compulsory registration in New Zealand, and I wrote to the chief electoral officer of that dominion asking him to give me the information. Unfortunately, he gave it to me for election years only and not for the intervening years.

In 1922 the cost per elector on the list was 1 shilling 3½ pence or approximately 31 cents; in 1925, the year of the first election after the general registration the cost was 33 cents; in 1928 it was 17 cents; and the chief electoral officer tells me that that was due to many economies that had been put in force. In 1931 the cost was still further reduced to 13½ cents. The chief electoral officer informs me that that was due to reduced expenditure owing to the economic depression. In 1935 the cost was 17 cents. I think it is only right to assume, in view of the fact that New Zealand had compulsory and continuous registration in the intervening years that the cost for each of those years would be the same. I think one might say that from the year 1925 to the year 1928 the cost was 17 cents per name of elector on the list per annum. In 1929 to 1931 the cost was 13½ cents and from 1931 to 1935 it was 17½ cents.

I have been asked to ascertain the impression in both Australia and New Zealand as to the benefits derived from compulsory registration. The chief electoral officer in New Zealand says:—

> In New Zealand compulsory registration has proved itself to be the most satisfactory means yet adopted for enrolling electors, and it will be seen from the following that comparing its cost with that of the old system a considerable saving is effected.

The chief electoral officer of Australia says:—

> These compulsory enrolment provisions have been operated for slightly more than twenty years past and having regard to their effectiveness seem certain to be retained as a permanent feature of the electoral law of the Commonwealth.

Mr. MACNICOL: Prior to the adopton of compulsory enrolment in Australia and New Zealand did they have any act such as we had here for enrolment in

1930? In my own opinion the 1930 act we had in Canada was the best act covering enrolment that Canada has had.

The WITNESS: I have seen no copy of their electoral laws prior to the adoption of compulsory registration.

The CHAIRMAN: The chief electoral officer in New Zealand states that the cost is very much less. He gives it for election years only and for the 1922 election before they brought compulsory registration into effect when it cost them 31 cents per elector. Then he gives you the cost of 17 cents in 1917, but if that were multiplied by 4—

The WITNESS: That is the point. It has to be presumed that the cost was the same in intervening years.

The CHAIRMAN: His statement would not be correct unless they had some system of continuous registration prior to putting into effect compulsory registration.

The WITNESS: That is what I think.

Mr. HEAPS: Is there continuous registration?

The WITNESS: Yes, the same as in Australia. I have not been able to ascertain any other countries that have compulsory registration—certainly not in the British commonwealth of nations.

Mr. MCINTOSH: These are the only examples, are they?

The WITNESS: Australia and New Zealand. Australia has compulsory registration and compulsory voting, New Zealand has compulsory registration only.

The CHAIRMAN: Well, I have heard the opinion expressed that they have compulsory registration in certain states of the American union.

The WITNESS: They had many years ago. I intended to bring a book in which I found some rather amusing incidents concerning compulsory voting during the latter part of the 17th century; and I was particularly interested to note that men were fined one hundred pounds of tobacco for failing to vote.

Mr. HEAPS: Now they give it away.

The CHAIRMAN: Is there any misunderstanding in connection with compulsory voting in the States?

The WITNESS: Yes. I might mention this, that I went to Washington shortly after the last session to read in the library as much as I could about state electoral laws, and on the way down I was told that they did have compulsory registration in one or two of the states. In reading a book in the library in Washington I read of compulsory voting in a certain state, and I made it my business to look up the electoral law for that state, and I found that their conception of compulsory registration was that an elector could not vote unless he was registered, but that they have not compulsory registration in the same sense as they have in Australia and New Zealand.

Mr. HEAPS: There is one point I would like to get on the record: the total cost per elector in Australia as compared with the total cost per elector in Canada, and the federal cost in both cases, for registration and election.

The WITNESS: I put many figures on the record at our last meeting. Would you like me to repeat them?

The CHAIRMAN: I think you touched on it this morning. You figured, I think, that compulsory voting in Australia cost something like 40 cents per elector.

The WITNESS: Yes, in four years.

The CHAIRMAN: What does it cost in Canada based on the experience of 1934 and 1935?

The WITNESS The combined enumeration and revision?

The CHAIRMAN: Yes.

The WITNESS: I quoted figures. In 1934 I think the cost of Canadian registration was 26 cents.

The CHAIRMAN: And then you admitted that for the four years it would cost them another 30 cents, if I got the figures correctly. That would bring our cost for Canadian registration and the four-year revision up to 56 cents per elector.

Mr. FACTOR: That is only assuming that we are in favour of having continuous lists.

The WITNESS: In the 1934 enumeration the cost was 26 cents per elector. In 1935 the cost was approximately four hundred and fifty thousands for annual revision only.

Mr. MACNICOL: Now you are speaking of Canadian electors, are you not?

The WITNESS: Yes.

Mr. MACNICOL: I want to say again, Mr. Chairman, that there is something vitally important there. In the 1934 registration the government sent enumerators around to every home, but in the 1935 revision the government did not do that; all the government did was to appoint a registrar of electors for each riding. The government made no effort to get people on the lists, the candidate had to do that. And right there it resulted in this condition, that in the case of my riding over 4,000 names were put on but in the adjacent riding there would not be more than a bagatelle of names put on, because no particular effort was made to put them on.

The CHAIRMAN: I would like to get this figure clear. You say that the 1934 revision cost 26 cents per elector—

The WITNESS: No, the registration.

The CHAIRMAN: And the 1935 revision cost $450,000.

The WITNESS: Yes.

The CHAIRMAN: Taking that over a four-year period, it would figure out at about 30 cents per voter.

Mr. HEAPS: Why take a four-year period? Why confuse the issue? Let us keep to what one registration costs and assuming that the committee wants compulsory or continuous registration over a four-year period, then we can discuss what the costs will be.

Mr. MCINTOSH: What we want to get now is the per capita cost of 1935.

Mr. CLARK: That is a total of $436,000 for 1935?

The WITNESS: $448,000 for just under six million voters.

Mr. FACTOR: That is not right. The $450,000 should be divided among those additional voters.

The WITNESS: Surely it should, but there is no way of finding out how many additional voters were registered.

The CHAIRMAN: It will figure out about 8 cents per elector. There are 5,918,000 names, apparently, on the list, and it cost $450,000. Divide one into the other, and it gives a result of something like 8 cents.

Mr. HEAPS: That is 26 cents plus 8 cents.

Mr. MCINTOSH: 34 cents.

Mr. HEAPS: 34 cents per capita.

The CHAIRMAN: 26 cents.

Mr. HEAPS: 26 cents plus 8 cents; that is the total cost of revising our election lists at the last election?

Mr. FACTOR: That is not the way to do it. The correct way to figure it out is to divide the $450,000 by the additional names added in 1935.

Mr. MACNICOL: There is another angle to the problem in reference to the list used in the 1935 elections. I am just speaking of my own riding, where I understand it. Many names were on three times, and some four times.

Mr. HEAPS: In your riding?

Mr. MACNICOL: Yes, because people were dispossessed and moved out every month because of the non-payment of rent. The government got them in the 1934 registration; my man got them in 1935, and the government caught them again in 1935. We were constantly going over the list trying to keep them on the list. There were many men going around checking up. The enumerating people did not know they had moved. Had the government done the enumeration a month before the election the lists would have been purified. The lists in 1935 were nothing short of shocking.

The CHAIRMAN: Now, there is one other question that I should like to bring up in connection with the Australian and New Zealand compulsory system of voting. If that system were applied to Canada would it mean any saving in the cost of getting out our lists as compared with 1934, 1935.

The WITNESS: I think it would make a great increase in cost. That is my impression, in view of the fact that in order to make the system satisfactory you would have to get all these departmental aids to which I referred.

By Mr. McIntosh:

Q. It would cost more?—A. Yes.

Q. Why?—A. It seems to me quite obvious. For instance, in 1934 and 1935 we had registrars of electors going to certain points throughout the constituency, waiting for electors to register. Under the system employed in Australia there are officials whose duty it is to go to every home every year or twice a year; and with such procedure it would cost much more especially in urban districts.

By Mr. Heaps:

Q. Take the system as we have it to-day. Suppose we had compulsory registration instead of enumerators. The election of 1935 cost 35 cents per voter—what did it cost in 1930?—A. I have the figures but I have not worked it out per elector.

Mr. MACNICOL: Had the election occurred in the fall of 1934 the list would have been cluttered up with hundreds and thousands of names of people who had moved all over the lot from the time the enumeration was taken in the spring. I am firmly convinced the enumeration should take place after the dissolution of the House of Commons. Then you would have a correct list.

Mr. ROBICHAUD: In other words your revision is only a waste of time.

Mr. MACNICOL: In my own riding there were four candidates, and each candidate had enumerators out prior to dissolution, and by the time the election came along the people were harassed to death by one or the other of the candidates' enumerators coming around. The people grew tired of having canvassers coming to their door, and in some cases the doors were slammed in their faces. I am convinced the government should do the enumeration and the enumeration should be done after dissolution. A man should be appointed by the government as was done in 1930 and 1932. If a man comes to a door and says he is a government agent and his mission is to see if the names are on the list, right away the citizen listens to him because he is working for the government and not a candidate. When an agent of a candidate goes to a house the natural

thing for the citizen to say is that it is none of the agent's business whether the citizen's name is on the list or not.

The CHAIRMAN: You were going to give us the cost of the 1930 election.

The WITNESS: The cost of the 1930 election, including cost of preparation of list of electors, personal service and expense of election officers was $2,131,148.

Mr. HEAPS: What was it per elector?

The WITNESS: Preparation of the lists cost $1,113,250 alone.

Mr. MCINTOSH: Purely for enumeration.

The WITNESS: Enumeration cost $1,113,250; and the taking of the vote cost $1,017,898, or a total of $2,131,148.

Mr. HEAPS: Have you considered how that cost can be reduced?

The WITNESS: Yes, and I intend to explain how costs can be reduced, at a later date.

Mr. HEAPS: I think it is still pretty high.

The CHAIRMAN: I think Mr. Heaps raised a question a few minutes ago to which we should give some consideration now. That is the question of compulsory registration in election years instead of the enumeration system. Your reference was to compulsory registration just prior to an election?

Mr. HEAPS: Yes. In fact I would to a large extent agree with Mr. MacNicol when he states the registration should take place as near to an election as we could possibly have it, in order to offset a good many difficulties that arise when an enumeration takes place a long time ahead of an election as happened in 1934 and 1935. As has been pointed out people do move away from a district to another district, and it is almost impossible to trace where electors have gone. When election day comes round a large number of electors are running around the constituency trying to find out if their name is on the list or not.

The CHAIRMAN: Do any other members wish to speak on the subject of compulsory registration prior to election? It has been suggested what we go back to the 1930 procedure but instead of having enumerators going from house to house that we have compulsory registration. I think that was the question.

Mr. MCLEAN: I think it would be a good thing to consider any objections to the 1930 system. As far as I could observe the enumeration of 1930 was very satisfactory. I cannot see that there should be any objection to a list being made up in a rural section by one man going from door to door and posting that list up a certain number of days for inspection, and notice given that it was posted up, giving any who are left off the right to apply to that enumerator at a stated place to have their names put on. In the cities you could have two men named by the two parties going around together. I do not see why that would not work out.

The CHAIRMAN: What is your reaction to the suggestion that instead of having these men go around from house to house you compel the elector to come and register himself.

Mr. MCLEAN: In the first place the elector will not come, and in the second place I do not know why he ought to come. When you have one man going from house to house you have one man doing the work. If the electors had to go it seems to me the work is multiplied one-hundredfold. It seems to me there should be no reason why an enumeration carried out as it was done in 1930 should not be as nearly perfect as we can have it.

Mr. MCINTOSH: If that system was nearly perfect why was it done away with?

Mr. GLEN: It happened, that is all.

Mr. MCINTOSH: My point is there must have been some very serious objection to it.

Mr. MacNicol: There was some slight discrepancy that could have been easily changed by an amendment. On the other hand, I suppose the ex-government thought they were going to have a permanent list. Well, we had a permanent list, but we did not have a complete enumeration. To have a permanent list you must adopt the Australian system holus bolus. Our last election act did not adopt the Australian act in fact.

Mr. McLean: If there was no objection to the 1930 method we ought seriously to consider reverting to it. It is quite evident that the 1934 system has not worked out satisfactorily. To-day nobody is satisfied apparently. The 1930 system seems to have worked very satisfactorily and was not too expensive. Why should we not seriously consider going back to it?

Hon. Mr. Stewart: I think I can answer in part the question as to why the change was made. You will find two conflicting ideas with respect to election lists; one, that you should have at all times an up-to-date list; another that you should not have at all times a list but that you should make it up on the eve of an election. There are arguments in favour of each one of them. One argument, in addition to others that might be advanced in favour of having a list always up-to-date, is that that has been done in many countries, or that the time that was required for the registration and taking the proceedings of a registration on the eve of an election unnecessarily prolonged the period of the election; the idea being that with a closed list always ready you could reduce the period between a dissolution and an election. Now, whether that has been proven to be the fact or not is the question. I do not know that it has materially reduced the time. But these are the two main arguments. Then, of course, the cities present a problem of their own, where there is a great deal of personation, telegraphing and all of that sort of thing, and the difficulty apparently, of keeping a proper list. It was thought that a closed list would be in a measure a protection against some of the evils that have unfortunately developed in the city ridings. Whether that has worked or not, I don't know; but these are some of the reasons that led to the adoption of this method. We have not tried it long enough to know whether it on the whole is an advantage or a disadvantage. Personally I rather like the old system. The enumeration, with the closed list, is all right. Who is going to keep it up every year; whose duty is it to see that the people who are eligible for registration come out and register? If I represent a constituency I will probably have to look after it at considerable expense to myself. Who is going to look after it for my opponent in my constituency? It seems to me that you are not going to have at any time a complete list under the system as it exists, because as you know everybody's business is nobody's business, and you will wake up some day with an election and a closed list and a great many people off; whereas if you have a registration prior to an election properly devised, properly worked out, it seems to me you are going to get a fresher list, you are going to get it without much expense to the candidate and without as much public expense.

Mr. Heaps: Mr. Chairman, I do not know what the names on the list cost prior to us having enumerators going around putting names on—I am now referring to the 1925 list and the lists of subsequent elections.

The Chairman: They cost about 40 cents.

Mr. Heaps: Prior to enumeration?

The Chairman: No; it would be less than that. I shall give it to you in a moment.

Mr. Heaps: What I want to point out is this; personally I feel inclined to a certain extent to favour some form of compulsory registration. Since we have had enumerators going around putting names on the list we have this situation: we have had the enumerators; then we have had the candidates who go around subsequently seeing what names are on the list, and making sure that they are

on and seeing that those who are not on get on, and afterwards going around and begging them to come out and vote. I should like to see the electors take some responsibility in the matter. I should like them to realize that coming out and casting their vote is a duty and not a favour that they were conferring on the candidate. As it stands to-day we have candidates going around begging for the votes.

Mr. McINTOSH: We do not do that.

Mr. HEAPS: Yes we do, and we know it. We all know the amount of literature that is sent around during election campaigns. If we had some form of compulsion in our elections we would probably obviate a good deal of the objectionable features of the elections of today. I realize some of my friends in this committee may have a kind of wholesale objection to the term "compulsory". But when you think of the amount of compulsion in our lives that we take for granted the term "compulsory" ceases to have the meaning that it suggests at the present time. Many things are compulsory in our life, and we take them for granted. If we are going to have cleaner and better elections as a result of having some official and compulsory registration there is no reason in the world why we should not consider it in a favourable light. I do not believe there is any member of this committee who in his own heart does not believe there is a lot of room for improvement in the elections in the Dominion of Canada. If the elector were compelled to go out and register and compelled to go out and vote it would cut down a good deal of the difficulties with which the candidates are confronted at the present time. It would cut down the very large expenses of elections so far as the federal government is concerned, and it would cut down to a very large extent the cost to the candidates themselves. I was very much impressed a week or so ago when I discussed this question with Mr. Bennett, the leader of the Conservative party. He came back from Australia very much impressed with the system of compulsory registration and voting. I am just giving you his viewpoint for what it may be worth. The people in Australia who have made a study of the problem seem to be in favour of that method of conducting their voting in preference to the system which we have adopted in this country.

Mr. GLEN: Mr. Chairman, I do not think we are likely to come to a conclusion in regard to this matter, but perhaps it might be of interest to the committee to know how registration was carried out in Scotland. I used to have a good deal to do with it. What was done was this—of course, we had permanent officials there—the sheriff of the county is the official returning officer. The list is made up each year and the parties co-operate, the liberals and the conservatives and the labour party. Each made up his own list checking the previous years list, making additions and subtractions from it. Then, the parties' agents went over the list together and agreed on the parties that should be on the list and any objection or contestation of any elector was brought before a judge, and it was argued and the judge gave his decision. Mr. McLean was saying that he was in favour of the 1930 list.

The CHAIRMAN: What is the size of the constituencies you have in Scotland?

Mr. GLEN: The constituency of the county of Dumbarton, which was the constituency I was in, and which included Clydebank, if I recall correctly, had 69,000 or 70,000 voters.

Mr. McINTOSH: About what area?

Mr. GLEN: The area was small. It would not be as large as my own constituency, but of course it was densely populated.

Mr. McINTOSH: Were the agents permanent men?

Mr. GLEN: No, members of each of the parties. They made the check-up. The feeling that I had with regard to 1930 was very much more favourable

than it was with regard to 1934. I was quite convinced there was proper representation given to every voter to see that his name was placed on the list. Mr. Heaps has spoken with regard to personation. That does not happen, and did not happen in 1930.

Mr. MacNicol: It does not happen in any place in Canada as far as I know, except Montreal. Montreal is the city where personation and telegraphing takes place.

Mr. Glen: I know this, throughout the constituency and during the election of 1930 it was very, very marked. As candidates we had not very much to do except to see that the list was up and checked as to those who were on it, and to see that those who were not on it were put on. The consequence was that the list of 1930 was entirely satisfactory. But I assure you such was not the case in 1935. There was one place in Hamiota, north of Strathclair in my riding where there were sixty old pioneer families who were absolutely cut off the list, men who had been there for forty and fifty years, because of some mistake that had happened between the officials as to the boundaries. That created a tremendous amount of hard feelings.

The Chairman: When was that?

Mr. Glen: In 1935.

Mr. Heaps: No system can avert a thing like that.

Mr. Glen: It did not happen in 1930.

Mr. Heaps: It happened in 1930 in my riding.

Mr. Glen: If we had the 1930 list again with some provisions in it for a registration under the auspices of the government, made by government men, as Mr. MacNicol has pointed out, it would take a great responsibility from the agents of the candidates, and we would likely get a very much better list than we had in 1935. The suggestion I make is this: we ought to take the 1930 and the 1934 acts and compare them. The question of compulsory registration and compulsory voting might follow that. I would suggest to the committee we take them and see if we can arrive at which is the best, in the meantime make our report.

The Chairman: Mr. Glen, I think we will have to come to a conclusion on this question of compulsory voting and compulsory registration whether we go back to some of the 1930 provisions or not. Mr. Heaps has—I do not know whether I interpreted his remarks correctly or not—come to the conclusion that it would be advisable for us to adopt a compulsory system somewhat similar to Australia, with yearly registrations.

Mr. Heaps: No.

The Chairman: Continuous registration.

Mr. Heaps: I would not say that I am convinced in my own mind of the necessity of continual registration, because the cost is so high. I do not know whether the advantage of a continuous registration is worthy of the effort put forward. I think if we had compulsory registration and compulsory voting with registration just as close to an election as we can possibly get it we would get just as good a list as you would if you had registration over a period of three or four years.

Mr. Factor: Can't you get a perfect list by enumeration just after dissolution?

Mr. Heaps: That may be all right; but I think myself we are pampering these people just a little too much by all these methods.

Mr. Factor: It is the duty of the state.

Mr. HEAPS: It is not the duty of the state to go around and ask the voters if they are going to come out and vote and put their names on the list. I think it is the duty of the elector to put his name on the list.

Mr. MCINTOSH: They do not ask the voter if he is going to vote and then say we will put your name on the list.

The CHAIRMAN: I think, gentlemen, we can dispose of this matter piecemeal. In the first place I would suggest that we dispose of this question of a continuous compulsory registration.

(Negatived).

The CHAIRMAN: Now, gentlemen, it has narrowed down to the question of whether we want compulsory registration immediately prior to an election.

Mr. HEAPS: Perhaps you might put it a little wider than that. Do we want registration just prior to an election? We can discuss the form of registration afterwards.

The CHAIRMAN: I think we had better dispose of the compulsory features of it first.

Mr. HEAPS: No; we shall discuss the question of compulsion or the question of enumeration after we have discussed the question as to whether we prefer to have a list of electors compiled as near to an election as it is possible to have it.

Mr. MCINTOSH: What does that mean, as near to an election as possible?

Hon. Mr. STEWART: After dissolution.

Mr. MCINTOSH: Usually what time intervenes between dissolution and the election day?

Mr. MACNICOL: Suppose the chief electoral officer tells us what is going on in Hamilton to-day.

The CHAIRMAN: I think we can dispose of the question as to whether we are going back to the 1930 system or going to follow the system that we adopted in 1934. The 1934 system is in vogue now.

Mr. MACNICOL: You have already voted against the part that calls for a continuous list.

The CHAIRMAN: Under conditions of compulsion.

Mr. HEAPS: The opinion here is fairly unanimous, if I can judge the sentiment of the members, that the lists should be compiled as close to an election as we possibly can have them. I think we can get a motion along that line submitted now, and I think we can dispose of that aspect of it.

Hon. Mr. STEWART: That is after dissolution.

Mr. HEAPS: I would move, Mr. Chairman, in order to bring it to a head, that we compile the list of electors after dissolution and as near to the election as we possibly can have it.

Mr. FACTOR: What time elapses between dissolution and election?

Mr. CASTONGUAY: In every general election since 1921 I think that there has been a minimum interval of fifty-eight days between the date of the issue of the writs and the polling day. In 1935 the writs were issued on August 14 and, as you all know, the election was held on October 15.

Mr. MACNICOL: Tell us about the Hamilton by-election that is going on at this moment. How many days will intervene between the issue of the writs and the date of the election?

Mr. CASTONGUAY: I don't remember the actual dates, but I think it is about six weeks, a little less than six weeks.

Mr. FACTOR: I was under the impression the 1934 Act made it a minimum of twenty-eight days which should elapse between dissolution and election.

Mr. GLEN: In this connection the question of time will enter into the motion made by Mr. Heaps, whether we can have the registration running concurrently with the days after the issue of the writs. If I recall it, it is twenty-eight days. If we could have the registration running concurrently during that time it would be all right. Mr. Castonguay might be able to tell us if the question of time will enter into this in regard to the compiling of the list prior to an election.

Mr. CASTONGUAY: It was possible in 1921, 1925, 1926 and 1930 to compile the lists between the issue of the writ and the election. From studies that I have made I think it would be possible to hold the election with a minimum interval of only six weeks from dissolution to voting day.

The CHAIRMAN: There is another question that enters into this matter. Before Mr. Heaps' motion is put I believe we should hear Colonel Thompson in connection with this registration as to whether his study since 1934 has shown to him any savings that can be made, and what would be involved in making up these lists just prior to an election.

Mr. MCINTOSH: I was going to ask Mr. Castonguay to explain if in his opinion in the large rural ridings of Canada there would be time to make as perfect a list as possible, having regard to the time that elapses between dissolution and the election.

Mr. CASTONGUAY: Certainly. It could be done in six weeks all over Canada. In rural polling divisions, under the 1930 procedure, it was not necessary that an elector's name should be on the list to entitle him to vote. In such cases an elector could vote upon being vouched for by another elector whose name appeared on the list.

Mr. GLEN: I think we are ready to vote on this motion.

Hon. Mr. STEWART: I would like to ask Mr. Castonguay a question. About forty days or forty-two days is the minimum time required under the 1930 Act, is that right?

Mr. CASTONGUAY: It was fifty-six days, but there is now certain procedure that could be cut out.

Hon. Mr. STEWART: You could make it six weeks.

Mr. CASTONGUAY: I think it is possible to make it in six weeks.

Hon. Mr. STEWART: That would be forty-two days. The fact is that in the last election there was a long time between dissolution and election. There were reasons for that which we are not going to discuss now, but that was not in connection with the preparation of the lists. Suppose you had wanted to put on an election in the shortest time possible between dissolution in 1935 and the getting out of your lists, how long would it have taken you? It would have been much shorter than six weeks, would it not?

Mr. CASTONGUAY: I think it would have been possible in 1935 to hold a general election with an interval of twenty-eight or thirty days between the issue of the writs and polling day.

Mr. GLEN: During that twenty-eight days could the lists have been made up?

Hon. Mr. STEWART: They were made up. They are at the Franchise office. You can get them the day after dissolution.

Mr. GLEN: With regard to Mr. Heaps' motion, if we are going to vote on compulsory registration prior to an election, would there be sufficient time in the hurry of an election? Suppose we have twenty-eight days from the issue of a writ until the election takes place, could we have an election in twenty-eight days?

Mr. CASTONGUAY: No. It would take a minimum of forty-two days.

Mr. JEAN: What is the minimum interval under the by-election act passed last year?

Mr. CASTONGUAY: I think there were by-elections in which an interval of only thirty days was allowed between the issue of the writ and polling day. Of course this is only possible in the case of a few by-elections. It is an altogether different matter when it comes to a general election.

Mr. FACTOR: Mr. Chairman, I agree with your point of view that we ought to hear Colonel Thompson before we decide on Mr. Heaps' motion with regard to the working of the 1934 system.

The CHAIRMAN: The point I see is this, that we are working under the 1934 system now, and Mr. Heaps' motion is that the lists should be made up as close to an election as possible.

Hon. Mr. STEWART: After dissolution.

Mr. FACTOR: That practically means the abolition of the 1934 section.

Mr. HEAPS: We have already gone contrary to the 1934 act, and we passed a motion a few days ago against an annual revision of the list.

The CHAIRMAN: No, we did not do that. We passed a motion against a compulsory act.

Mr. HEAPS: That has some bearing on 1934.

The CHAIRMAN: It may have some bearing. That word "compulsory" has a meaning.

Mr. GLEN: I suggest that we should hear Colonel Thompson.

The CHAIRMAN: I do not know what Colonel Thompson will have to say, but he has been studying the situation since 1934 and he may have suggestions to make in connection with getting these lists up to date. I certainly do not think that the 1935 system is satisfactory.

Mr. FACTOR: I move that Mr. Heaps' motion be tabled and that we hear Colonel Thompson at the next meeting.

Mr. HEAPS: We do not have to take a vote on it; just adjourn and ask Colonel Thompson to be here at our next meeting.

The CHAIRMAN: Is that agreed to?

Mr. HEAPS: Yes.

The CHAIRMAN: Are there any other questions that members of the committee desire to ask Mr. Butcher this morning in connection with compulsory voting; or is there any further information that you want on either of these subjects?

Mr. CLARK: With reference to compulsory voting, are we not ready to decide that we shall not have compulsory voting? Surely it is not suggested that we should have compulsory voting when we consider all that has been said here and the consideration that has been given to the matter. We have a good many things that are compulsory; surely we will not undertake to have compulsory voting in Canada.

Mr. FACTOR: Hear, hear.

Mr. CLARK: And I would like to move that we reject compulsory voting.

Mr. FACTOR: I will second that.

Mr. MCCUAIG: Are there not in this country quite a number of people who refuse to vote because of some religious consideration?

The CHAIRMAN: An exception is made in that case in Australia also.

Mr. MCCUAIG: I know that in my riding there is one large section where they never vote for some particular reason.

The CHAIRMAN: Are we ready for the question on compulsory voting?

Mr. HEAPS Oh, no. We are about to adjourn. I think it would be well to allow the motion to stand.

The CHAIRMAN: What I wanted to know is whether you wanted to ask Mr. Butcher any more questions or whether you want to get any more information that can be made available in connection with either compulsory voting or registration?

Mr. MCLEAN: I would like these two officers here to let us know at our next meeting whether, from their experience, they have any information with regard to closed lists. Now last year that matter was just mentioned at one of our meetings, and I think the committee was rather overwhelmingly in favour of open lists. I think that question ought to be discussed, and I think if Mr. Castonguay or Mr. Butcher were prepared to discuss that subject at our next meeting it would be valuable.

The CHAIRMAN: What do you mean by closed lists?

Mr. MCLEAN: On voting day in the rural constituencies—that means constituencies with fair sized towns—people may go out and vote even though they are not on the list, if they are vouched for by an elector. Now, I think that is very popular; and yet, from the standpoint of the object which the 1934 committee had in view there is a great deal to be said for a closed list. Those who have had anything to do with rural ridings, with places adjacent to towns, over a number of years know that in the last election it was a great comfort to realize that you did not have to worry at all about keeping people from voting on election day who ought not to vote. I think, probably, the committee will decide in favour of the open lists. Personally, from my experience over a number of years, I am opposed to the open list. I do not know whether you want to go into the question now; but I do think that these officers should give us the benefit of their experience at our next meeting, and I do think also that we should give this question of open or closed lists very serious thought. I would appear to be speaking against the 1934-35 system of lists. All the same, there is a great deal to be said in favour of closed lists, and there is something to be said—if we could do it without expense and without the objections already taken up—if we could get a list that we did not have to prepare right at election time when feeling is running high. From the standpoint of the lists, as far as my riding is concerned conditions were very satisfactory in 1930 and 1935. In 1930 the lists were well prepared. In 1934 the work was well done. I think we had a very exceptional franchise officer.

Mr. MCINTOSH: You are speaking for your own riding only?

Mr. MACNICOL: I thought it was well done all over the country in 1934. I think the enumeration in 1934 was well done.

Mr. MCLEAN: I do not think that was general in the country. The revision was satisfactory. I was a candidate in two elections. The cost of the election to me was very materially reduced in 1935 because of the fact that I did not have a large staff and there was not the same necessity for tearing around the riding to see that everybody was on the list. It was all over. The list was finished. There were thousands of dollars saved in expense on the part of candidates as regards the lists.

Mr. MACNICOL: We did not enumerate in 1935.

Mr. MCLEAN: Certainly we did.

Mr. MACNICOL: Not to the same extent.

Mr. MCLEAN: To a certain extent. My own workers went around to some extent to check up in the spring when the revision was taking place, but election

day was a long way off. We did not know who the candidate was going to be. There was not the excitement and the feeling, and there was not a large amount of work to be done.

Mr. MACNICOL: Were you a candidate at that time?

Mr. MCLEAN: No.

Hon. Mr. STEWART: Mr. Chairman, I do not know whether this information which I am going to ask for is available in the statistics which Mr. Castonguay has; but I would like to know the number of people in the rural ridings who vote on election day whose names are not on the list. Now, a rural riding, as I recall it, under the classification of the act of 1930, would cover any municipality under 10,000.

Mr. MCLEAN: With the open lists, even in those municipalities different sections were treated differently. In the towns the lists were closed; in the country they were open—what is called rural ridings—is not that true, even in 1930? In a town of 8,000 the lists were closed?

Mr. CASTONGUAY: The lists were open unless the polling division had been declared urban by the chief electoral officer.

Hon. Mr. STEWART: Yes. If we knew the number of people who voted on election day who were not on the list we might be able to come to some conclusion. In the ordinary township the number is very small; there might be one here and one there. I think there is a great deal to be said for the fact that if we are going to have an enumeration that ought to end. I do not think there is very much to be said for leaving these open even in the townships. I think if the enumerators do their work properly the list ought to be closed.

Mr. MCLEAN: I think you will find, when there is a full committee, that the large majority of the members will be in favour of the open list. I would like to give a couple of examples of the objection to open lists. In my riding in 1930, for instance, there were about 100 men working on the road for contractors. The feeling was that most of these were not entitled to vote. They were not put on the list. It does not matter which party did it. But I can tell you that on election day these people were taken from poll to poll, and if they could not vote at one poll they voted at another. They went to half a dozen different polls, and practically all of them voted. At another poll there were about ninety who were not put on the list—or, at least, if they were put on the list their names were taken off at the revision of the list. Now, it was decided by one candidate that these people should have voted. If the list had been closed that would have been decided by the enumerator or the judge for election day; but we came to election day and the whole ninety men in that little village wanted to vote and there was a dispute as to whether they should vote or not. Now, under ordinary circumstances preparation is made for people to vote. In this case adequate precaution was taken to prevent them from voting. A solicitor was sent there to see that the law was properly carried out, and you will realize the disagreeableness of the whole situation. As a matter of fact, arrests were made to stop—

Mr. MCINTOSH: They voted, however.

Mr. MCLEAN: No. They did not vote.

Mr. HEAPS: If you had had a closed list—

Mr. MCLEAN: —that question would not have arisen. On that election day there was a terrible fight, and a parliamentary investigation was held into the conduct of that poll because of the measures that were taken to stop these people from voting.

Now, that is what happens as the result of an open list. Personally, I would like to see the lists closed no matter what the system of enumeration is. I would like to see only those whose names are on the list vote on election day.

The CHAIRMAN: In reply to Mr. Stewart's question, I might say that Mr. Castonguay tells me that the information is not available in any way that he can get at it.

Now, gentlemen, at our next meeting—which ought to be next Tuesday—we should to be able to dispose of compulsory voting and compulsory registration and the motion that has been presented by Mr. Heaps; and we will endeavour to have Mr. Castonguay and Colonel Thompson with us. If there are any questions that arise in the mind of any of you just send them along to me and I will try to get the information from Mr. Butcher.

The Committee adjourned to meet Tuesday, March 9, at 11 o'clock a.m.

HOUSE OF COMMONS, ROOM 429,

March 9, 1937.

The Special Committee on Elections and Franchise Acts met at 11 o'clock, Mr. Bothwell the chairman presided.

The CHAIRMAN: At our last meeting we thought it would be desirable and advisable to hear the Franchise Commissioner with regard to any suggestions he might have to make to the committee as the result of his few years experience as commissioner. I understand that he has made a reply by way of a letter addressed to Mr. Butcher, and as a basis for hearing Colonel Thompson I think it might be well to have the letter read and then Colonel Thompson will be able to answer any questions you have to ask him.

Mr. HARRY BUTCHER, recalled.

The WITNESS: Mr. Chairman and gentlemen, towards the close of the meetings of the committee, last session, and after consultation with the chairman I asked both Mr. Castonguay and Colonel Thompson if they would make suggestions as to possible reductions in costs in the matter of compiling lists of electors and conducting elections. Early this session I again brought the matter to the attention of Colonel Thompson and as a result he wrote me under date of March 6, 1937, as follows:—

> You asked me to prepare a memorandum showing the estimated comparative saving in cost of a general enumeration of the list of electors, on the basis of a reduced tariff of fees as in the Dominion By-Elections Franchise Acts, 1936, as compared with the cost of the general enumeration in 1934 under the Dominion Franchise Act. I submit the following:—
>
> *General Registration or Enumeration*
>
> As the list of electors which was revised in 1935 is now quite useless, before a general election is again held a general enumeration will be necessary. In this connection it is to be noted that under the general registration of the 1934 Dominion Franchise Act, among others, the following expenses were incurred:—

Travelling	$ 35,617 90
Printing of notices	19,369 98
Enumerators' fees	890,744 48
Sundries	28,206 85
	$ 973,939 21

> Similar expenses for travelling, printing of notices, enumerators' fees, etc., will necessarily be incurred at a further enumeration, but in the attached summary of costs it will be noted that a substantial reduction will be effected, in respect of these items.
>
> 1. Reduced tariff of fees for personal services to Registrars of Electors, that is, for example, a minimum rate of $250 per registrar, whereas the minimum rate was $600 in 1934.

2. No preparation of an alphabetical (urban) list of electors, as in the Dominion Franchise Act, 1934. (This was prepared in 1934 and revised in 1935 and was not used.)

3. Printing of *urban lists only* following a general enumeration: No printing of the rural list.

4. In connection with any printing of the list of electors, if these were printed by the King's Printer rather than printed locally, the cost would be considerably less.

I suggest that a general registration or enumeration should commence on a day to be fixed by Order-in-Council.

A summary is attached showing the approximate cost of a general enumeration under a reduced tariff of fees, as compared with the cost of the general registration in 1934 under the Dominion Franchise Act. I wish you to note that the total cost all depends upon (*a*) printing of the lists (urban and rural) by the King's Printer; (*b*) printing of the *urban lists only* by the King's Printer; and no printing of the rural list; (*c*) printing of the urban and rural lists *locally;* and (*d*) printing of the *urban list only* (and no printing of the rural list) *locally.*

(Sgd.) JOHN THOMPSON.

GENERAL REGISTRATION

SUMMARY OF ESTIMATED COST OF GENERAL REGISTRATION OF ELECTORS BASED ON REDUCED TARIFF, AS IN THE DOMINION BY-ELECTIONS ACT, 1936

Subject of Expenditure	(A) Cost, if Urban and Rural List printed by King's Printer	(B) Cost, if Urban and Rural List printed Locally	(C) Cost, if Urban List only printed Locally	(D) Cost, if Urban List only printed by King's Printer	GENERAL REGISTRATION 1934 UNDER DOMINION FRANCHISE ACT, 1934 Printing by King's Printer (Urban and Rural Lists)
	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.
Registrars' fees for personal services reduced from minimum of $600 (as in 1934) to minimum of $250	60,750 00	60,750 00	60,750 00	60,750 00	243,116 21
Estimated cost of printing lists	250,000 00	480,000 00	212,320 00	132,700 00	249,561 80
Necessary Expenses, such as: Fees for clerical assistance; Printing of Notices; Rentals, Sundries; Revising Officers' fees; Transcribing names; Fees for enumerators (urban and rural)	897,410 00	897,410 00	897,410 00	897,410 00	973,939 21
Total	1,208,160 00	1,438,160 00	1,170,480 00	1,090,860 00	1,466,716 22

Mr. MCINTOSH: When you speak of an urban list you are referring to centres of what population?

Col. THOMPSON: Urban polling.

The CHAIRMAN: Do you mean urban constituencies?

Col. THOMPSON: Not necessarily. There are some constituencies which are all rural, some which are all urban, and some which are urban and have rural polling divisions attached to them.

Hon. Mr. STIRLING: And vice versa.

Col. THOMPSON: Yes.

The WITNESS: The chart that accompanies this letter shows the cost under various plans proposed by Colonel Thompson, plans A, B, C and D to which I have already referred: "A" being the cost for rural and urban lists printed by

the King's Printer; "B" being the cost for urban and rural lists printed locally; "C" being the cost if urban lists only are printed, and are printed locally; and "D" being the cost if urban lists only are printed, and are printed by the King's Printer. The cost is divided into three items: first, registration fees for personal services, reduced from a minimum of $600, as in 1934, to a minimum of $250.

The CHAIRMAN: The cost under each of these would be reduced from $600 to $250. Has it been your experience, Colonel Thompson, that in having this work done the registrars were paid too much for the work they did?

Col. THOMPSON: I would not suggest that in view of the length of time that the general registration took. They were on duty for four and a half months as against, for instance, in one of the cases here, about forty days or less.

The CHAIRMAN: What was the average amount paid to registrars?

Col. THOMPSON: It averaged over $600. There was a provision that for over a certain number of applications they should receive a special allowance. In certain constituencies—for instance, in Toronto and Montreal—the applications to have names added, stricken off, changed and so on were so numerous that they thought they ought to have an additional allowance, which brought the figure considerably over $600.

Mr. MACNICOL: Was it not away over $1,200 or $1,300 in the cities?

Col. THOMPSON: Sometimes it would run as high as that.

Mr. MCINTOSH: That would mean that practically any registrar in Canada would get, at least, $600 twice—once in 1934 and again in 1935, would it not?

Col. THOMPSON: Exactly. Correct.

The CHAIRMAN: Now, in making up new lists would not the registrar have to do just as much work as he did in 1934?

Col. THOMPSON: The period during which he would be employed would be very much less.

The CHAIRMAN: Why?

Col. THOMPSON: Because, for instance, in 1934 by statute the work started there on the 1st of April, and then there was the revisal period, by statute, from May 15th to July 1st. Then, after the 1st of July they had to prepare the final lists so that it carried them right along—as a matter of fact, four months and seventeen days.

The CHAIRMAN: I am trying to get at the cost of registration by reducing the minimum fee from $600 to $250.

Col. THOMPSON: There are two reasons for that. In the first place, there is the short time the men will be on duty—a little over a month; and in the second place, they will not have the same amount of work to do as they had before. Under the Franchise Act they had to travel around the country, especially in rural places, revising. They do not travel under the By-Elections Act, or under this scheme suggested here. The enumerators will do that. Then, under the Franchise Act in the cities, the registrars personally had to sit in different places dividing the district up into about thirty polls each, approximately—some more and some less—whereas under the By-Elections Act revising officers do that work at a specified fee.

The CHAIRMAN: The registrar would still have to travel over the constituency in order to appoint those enumerators.

Col. THOMPSON: Merely to appoint them. That refers to rural places. In the urban centres he expects the numerators who are nominated by the political parties to do the enumeration.

The CHAIRMAN: Yes, but take a constituency with a couple of hundred polls in it and in which the registrar would have to travel all over to make these appointments, I am very doubtful whether he could do it for $250.

Col. THOMPSON: Do you mean in the urban centres?

The CHAIRMAN: In the rural districts.

Col. THOMPSON: They have done it in Gloucester without complaint—in Wright and Gloucester.

Mr. MCINTOSH: What is the area of the Gloucester riding?

Col. THOMPSON: I think it is about ninety miles long.

Mr. TURGEON: At least that. But the comparison between Gloucester riding and some of the extended ridings in the western country does not obtain. There is no comparison so far as these ridings are concerned. There is no comparison between the cost in Gloucester and in some ridings that have been referred to. I do not know Wright so well.

Mr. MCINTOSH: Ninety square miles for the riding of Gloucester would represent simply a garden patch out west.

Col. THOMPSON: I said ninety miles in length.

Mr. TURGEON: My riding is 750 miles in length.

Col. THOMPSON: Wright county runs a little over one hundred miles north from Hull.

The CHAIRMAN: Consider the constituency of Swift Current for a moment. In the rural portion of it there are 186 polls, and there is a lot of territory to travel over there. To appoint your enumerators is quite a job in itself. In addition to that the registrar has to sit in his office, receive complaints and correct the lists.

Col. THOMPSON: No. They are corrected by the enumerators in these places. All the work is done by the enumerators. Whereas under the Franchise Act, in addition to that, he had to go around personally and revise.

Mr. BRUNELLE: The registrar does not go to each polling division. He goes to a town and he makes an appointment with every man who is in charge of a poll. So that in a constituency like yours and probably like mine where there are eighty-four polling divisions he would go to about twenty or thirty places and these people would come to see him.

The CHAIRMAN: In the constituency of Swift Current in certain areas I know the registrar would have to visit every polling place. As a matter of fact, he had difficulty in getting enumerators in some of those polls.

Mr. MCLEAN: Is it not true that under the system in vogue in 1930 all this work was done without these officials at all—no registrars at all?

Mr. MACNICOL: Exactly.

Mr. MCLEAN: The only officials throughout the country were returning officers, enumerators, deputies and poll clerks. The returning officer did all the work for the same pay that these extra officials did. Lists were made up entirely and revised by the enumerators in the polling subdivision, and the work was done well. And while, of course, that system was not adequate to carry out the new idea of a permanent list, so far as making up the list was concerned it was made without these expensive officials throughout the country.

The CHAIRMAN: What we are trying to get at this morning is the cost under the system that is in vogue now, and what reductions can be made.

Mr. MCINTOSH: I think it only fair to say in answer to Mr. McLean's remarks that when we did undertake to adopt this method calling for the expenditure of this money, the main objective was a national list—a national permanent list of voters. Now, apparently, we are thinking of doing away with that method and going back to the old system.

Mr. McLEAN: Even granting that we should do away with some of the cost, it seems to me that if we do decide to retain that permanent list, when we come to make that list again the system adopted would be very much more expensive than necessary.

The CHAIRMAN: We will hear these costs all the way through.

Mr. McLEAN: It seems to me that this payment for this registration is not justified at all, considering the work that can be done by the enumerators who are appointed by the registrars.

Mr. MacNICOL: If we are going to consider making up a permanent list—which, apparently, was the intention of the 1934 act—then it would be absolutely necessary, Mr. Chairman, to adopt the Australian system, because in Australia the lists were kept up to date permanently. Under our 1934 act the 1934 lists were—I will not say valueless in 1935 because there were a large number of names put on, of course—but the 1934 lists were not at all up to date in 1935.

I will give you one instance of hundreds that I could give you in my riding. In polling subdivision 82 located at 267 Bartlett avenue there were enumerated in 1934—the government carried on the enumeration—Reginald Bloxam, Mrs. Reginald Bloxam, Edward Bloxam, and Miss Lillian Bloxam. Like many other citizens they were compelled to move—not every month, but they moved at least one time—and I find their names again on poll 56. They were first enumerated at poll 82. When they were enumerated in 1934 they were living in poll 82 at No. 358 Bartlett avenue. There I find the name Reginald Bloxam, Mrs. Reginald Bloxam, Edward Bloxam and Lillian Bloxam, and then having moved from 358 Bartlett into poll 56 we find again, as I said a moment ago, at 267 Bartlett avenue Reginald Bloxam, Mrs. Reginald Bloxam, Edward Bloxam and Lillian Bloxam. Now, I say that that occurred in thousands of cases in Toronto.

The CHAIRMAN: You mean that they were on the lists in two separate polls when election day came along?

Mr. MacNICOL: Yes; and that is only one of perhaps, thousands of families.

Mr. TURGEON: Was that at the last election?

Mr. MacNICOL: The last election. The enumerators sent out by the candidates, not by the government, were paid for by the candidates, not by the government, in 1935 I am told on very reliable authority nine thousand names were taken in a truck down to the chief enumerator or revising officer in St. Paul's riding in Toronto to be struck off the lists and being informed that the opposite party was not striking off any names the truck was turned around and the nine thousand names were taken back. They were not struck off the list in St. Paul's riding, and the result was that the whole nine thousand names that should have been struck off remained on. So that there is no use discussing here the 1935 lists because the 1935 lists were just as I have said—thousands of names—at least hundreds of names appeared twice or thrice, on more than one occasion in my riding I believe that families were on the list four times. They were not struck off. The names of the dead in 1934 were still on the list in 1935 and were not struck off because my enumerators did not strike off the dead. I was not going to be responsible for striking anybody's name off. One would not resent the government doing it, but in 1935 the government did not do it. I had, undoubtedly, one of the best Registrars of Electors in Canada. The first Registrar of Electors did not live in my riding but in three or four ridings outside, but the second man appointed did and he was an excellent man. He did his work efficiently and well. He did all that could be expected of any chief enumerator or franchise officer. I have forgotten what the exact title is. He realized that he could do little outside of open his office and several branch offices and put up the notices and that it depended on the people themselves whether they came in or not. He could not bring them in, and the government

was doing nothing to bring them in. It resulted in the candidates, myself and my liberal opponent, who did his work well, and the C.C.F. candidate who did his work well, with our enumerators, going down to the revising officer or the franchise officer with names. There were so many names there that the franchise officer could not possibly begin to take them off; if he did he would never get through with his work. We are wrong in regard to enumeration. There are only two ways of doing enumeration properly, so far as I see, and I have given this a lot of study. To do the work properly we ought to have a permanent list and permanent officers as in Australia, or after dissolution the government ought to appoint enumerators to go out to do the enumerating and make these lists permanent until that election is over in any event.

The CHAIRMAN: I think we had better have a summary of the costs put on the record.

Mr. MCINTOSH: I think the reason why there were so many mistakes in the lists in every constituency in Canada was that the lists were centralized and printed here in Ottawa, with no local check-up whatsoever.

The CHAIRMAN: Personally I do not believe it would make any difference, as the printer has to print the lists that are given to him.

Mr. MCINTOSH: I know that if it were done locally the local men would know the names of every individual.

The CHAIRMAN: They could not leave them off the list.

Mr. ROBICHAUD: That was the experience we had in our constituency. The names were wrong. If it were done locally the people doing the work would be familiar with the names. In my constituency dozens of names were wrong. Of course we voted. We did not take objection, but they were all wrong.

The CHAIRMAN: I think there were a lot of mistakes made in the spelling of names.

Mr. ROBICHAUD: If they were printed in the constituency those mistakes would not occur.

The CHAIRMAN: The printer would not correct the difficulty that Mr. MacNicol speaks of in regard to having the names on several times. I think Mr. Butcher had better give the summary.

The WITNESS: I was going to suggest, if it is satisfactory to the committee, that the chart to which I have referred be inserted as a whole immediately after the conclusion of the letter that I read, for the sake of continuity.

The CHAIRMAN: Yes; but we should like to have it read in order that we might ask questions in connection with other items.

The WITNESS: In each of the plans mentioned, A, B, C and D, the same amount is provided for the payment of registrars' fees, also the same amount for such necessary expenses as fees for clerical assistance, printing of notices, rentals, sundries, revising officers' fees, transcribing names and fees for enumerators.

The CHAIRMAN: How much?

The WITNESS: $897,410 for each plan. When we come, however, to the printing of the lists, the amount is different in each of the plans. Under plan A, that is if urban and rural lists are to be printed by the King's Printer, the estimated cost is $250,000. Under plan B, if urban and rural lists are to be printed locally the estimated cost is $480,000. Under plan C, if urban lists only are to be printed, and printed locally, the estimated cost is $212,320. Under plan D, if urban lists only are to be printed, and are printed by the King's Printer, the estimated cost is $132,700.

The total costs under these proposed plans of general registration, are as follows: Under plan A, if the urban and rural lists are printed by the King's Printer, the estimated cost is $1,208,160. Under plan B, if urban and rural lists are printed locally, the estimated cost is $1,438,160. Under plan C, if urban lists only are printed, and they are printed locally, the estimated cost is $1,170,-480. Under plan D, if urban lists are printed by the King's Printer, the estimated cost is $1,090,860; whereas the cost of preparing the lists under the general registration of 1934 was $1,466,716.22.

The CHAIRMAN: There will be a saving in cost of almost $400,000.

The WITNESS: Under the cheapest plan.

Mr. McINTOSH: Where were the basic figures in regard to the cost of printing voters' lists in the constituencies obtained from—that is so much per name.

Col. THOMPSON: About 8 cents per name.

Mr. McINTOSH: Where did that figure come from?

Col. THOMPSON: That was the estimate given to me by the King's Printer.

Mr. McINTOSH: I think the estimate is wrong.

Col. THOMPSON: That is approximately what we are paying in Hamilton.

Mr. McINTOSH: I think it is practically an estimated figure. I do not think it is right at all.

The CHAIRMAN: Is it too high or too low?

Mr. McINTOSH: Too high. Take an ordinary printing plant in any constituency which can compete for work of that kind with any other printing plant whether in a big city or Ottawa. There is no reason why they cannot do it. It is a simple question of putting up the names, a very simple job.

Mr. MACNICOL: Why should not the government decide on so much per name and make it apply all over Canada?

Mr. McINTOSH: Then, it would be accepted.

Mr. MACNICOL: My experience has been that the printing has been farmed out, and where one returning officer would perhaps pay 11 cents a name another would pay 6 cents, 7 cents or 8 cents. I am not just sure that I am correct, but it runs in my head that in discussing this matter with a printer in Toronto he told me that he got 11 cents a name for one riding and 9 cents a name for another riding. These figures are arbitrary, as I am not sure of them. One can guess what takes place in each case in between. My idea would be that the government should set a fair price per name and make it applicable to all Canada. Then, when the names were printed locally the printer knowing what the government pays per name, would be in a position to answer anybody who came and asked him—

The CHAIRMAN: Col. Thompson might be able to answer the question. I think you said that in Hamilton it cost about 8 cents per name?

Col. THOMPSON: Yes, between 7 cents and 8 cents.

The CHAIRMAN: Was that figure given on tender, or how was it arrived at?

Col. THOMPSON: The registrar consulted a number of the printing offices there. We did not know how long it would take to print the list. I suggested to him that it be divided up amongst six or seven and printed in seven days. He said he would do the work at a price that would be fixed by the King's Printer. I spoke to the King's Printer and he suggested about 7 cents or perhaps a little more, between 7 cents and 8 cents. I was asking Mr. Castonguay what they paid in 1930, and he tells me it was 10 cents in the east and 12 cents in the west.

Mr. TURGEON: Does the 7 cents or 8 cents that you got from the King's Printer represent the cost of printing the lists by the King's Printer?

Col. THOMPSON: No, that is printing locally.

Mr. TURGEON: But you figure the cost in your statement if the printing is done at Ottawa. At what rate per name do you figure that cost?

Col. THOMPSON: Five cents.

Mr. TURGEON: Five cents per name?

Col. THOMPSON: Yes, and 4 cents when the lists were revised in 1935.

Mr. TURGEON: The original printing 5 cents?

Col. THOMPSON: Yes; and the revision, of course, applies only to the set-up. All they had to do was change names where changes were necessary.

Mr. TURGEON: The original was 5 cents.

Col. THOMPSON: It might be a small fraction over that.

Mr. MCINTOSH: For that 5 cents a name you received the type of lists you read about this morning. The correctness of the list at 5 cents a name was demonstrated here. Another factor in putting up these lists at 5 cents in Hamilton is the government bought a great deal of new machinery. Overhead was not included in that 5 cents a name. As a matter of fact, they could have been done cheaper by having the work done in every constituency in Canada, and the government would have been in hundreds of thousands of dollars.

Mr. PURDY: Hear, hear.

Mr. MCINTOSH: I think printing the lists in Ottawa was a piece of impertinence. It is a question of more centralization and getting away from the principles of democracy in our own ridings where the lists could be printed and printed rightly.

The CHAIRMAN: Col. Thompson made a statement that in 1930 the cost per name in western Canada was 12 cents. Is that right?

Mr. MCLEAN: The cost of what?

The CHAIRMAN: Printing.

Mr. MCLEAN: They were not printed in 1930.

Mr. CASTONGUAY: In 1930 in urban polling divisions in all places having a population of 10,000 or over, the lists were printed. There was no rate fixed in the tariff of fees. I think on the advice of the King's Printer an allowance of 10 cents per name was paid to the printers in the east and 12½ cents in the west. Of course, they were pre-depression prices.

Mr. MCLEAN: That would hardly be fair, as the dominion government cost would be higher than the cost spread over the whole of the country by reason of the large overhead which had to be considered.

Mr. MACNICOL: Would it not be possible for the the government to set a rate per name applicable to all Canada?

Mr. CASTONGUAY: If a reasonable rate for the printing of lists was set out in the tariff of fees I think it would be much better. It would obviate all the graft that has been going on in some cases between the returning officer and the printer. After the 1930 election I travelled all over Canada, and I found several instances of graft, in some instances as much as two or three cents a name, had been paid to the returning officer by the printers.

Mr. TURGEON: You really found that?

Mr. CASTONGUAY: I actually found that.

Mr. MACNICOL: If the government set a reasonable minimum rate that all printers in Canada should be paid per name—

Mr. CASTONGUAY: There would be no graft.

Mr. MACNICOL: —there would be no graft.

[Mr. Harry Butcher.]

Mr. McINTOSH: With that set rate they could strike a fair average in which every person could perhaps make a little profit.

The CHAIRMAN: What is the suggestion? If we are going to insert that in the act we shall have to do a little investigating to find out what is a fair price.

Mr. McLEAN: Would you not run up against a difficulty there? For instance, in some cities there would be union rates of pay. Now, a rate that might appear to be reasonable in a riding such as the one I represent might be a rate that would be far too low in the city of Toronto or the city of Montreal. I do not know if that is so; I am just asking.

Mr. McINTOSH: There is another point to be remembered. If you look at the printing and publishing business in the Dominion of Canada, you will find that they pay a large sum of money in wages and salaries. They are amongst the highest paid industries in the country. It must be remembered that union rates of pay apply in many places. I am satisfied that many of the members of this committee would be greatly surprised if they knew the salaries that are received by many newspaper employees and job printing establishments in Canada.

The CHAIRMAN: What are your suggestions in regard to inserting a clause in the act providing for the printing to be done as cheaply as possible?

Mr. MacNICOL: The Franchise Commissioner stated they were paying between 7 cents to 8 cents in Hamilton.

Mr. McINTOSH: I should think that around 7 cents would be a fair figure, perhaps.

Mr. CASTONGUAY: Gentlemen, in arriving at that figure, of course, consideration must be given interval of time allowed to the printer to print the lists. After the lists are prepared by the enumerators the printer cannot be given a month's time to print the lists; he must do it in a few days, and that has to be taken into consideration.

Mr. McLEAN: If they are busy on other election advertising as well they will find it difficult to get the lists out in that time.

Mr. MacNICOL: Would 8 cents or 9 cents be reasonable?

Mr. CASTONGUAY: I think the rate quoted by Col. Thompson, which was between 7 cents and 8 cents would be very reasonable.

Mr. McINTOSH: It is a question of 8 cents or 9 cents. I would not be certain on that.

Mr. FAIR: If it can be done in Ottawa for 5 cents per name don't you think there is quite a spread there for machinery and overhead? I am referring to the difference between 5 cents and 8 cents. I do not see any necessity for that spread.

Mr. McLEAN: It must be remembered, as has been pointed out, that in Ottawa the work was spread out over a long time. When a newspaper plant has to do the work in three days, they have to take on extra staff. Then, in addition to that overhead they have the cost of overhead on machinery and equipment. That was not calculated in the rate of 5 cents.

Mr. McINTOSH: I do not believe, Mr. Chairman, the average printing plant in the average riding in the Dominion would have any difficulty in producing these lists if they were given time. Of course, you must remember that in a newspaper office there are times when there is a great deal of rush work going on. That work has to be got out at a certain time; and if you undertake this work in a limited time you are interfering with the legitimate development of your business.

The CHAIRMAN: It seems to me it is a little bit dangerous to fix a definite fee.

Mr. CASTONGUAY: Why not leave it to the election officers?

Mr. McINTOSH: I would suggest that Mr. Butcher or one of our election officers get in touch with the daily newspapers of Canada. They have a national organization, and the officers of that association are in touch with the printing problems from the standpoint of the dailies all over the country. The same holds true with regard to the weekly papers. They have a national weekly organization in touch with all their problems. It seems to me if you got in touch with these two organizations they would give you a fair insight into what these lists could be printed for, and we could then use our own judgment.

Mr. MACNICOL: You would have to get in touch with the job printers as well.

Mr. McINTOSH: The same could be done with the job printing offices, I suppose.

Mr. WOOD: Would there be any difference with regard to these lists and the ordinary municipal lists? The municipal lists are printed in a short time.

Mr. CASTONGUAY: They are about the same.

Mr. WOOD: That would give you an idea.

Mr. CASTONGUAY: They ask for tenders, and they give two or three weeks, sometimes months, to do the printing.

Mr. WOOD: That is what I have in mind. I think they give about a month's time.

The CHAIRMAN: It does seem to me we might possibly get some information by writing to the different newspaper concerns and asking for quotations on a rush job of three days, or whatever time is required, and for a longer period of time.

Mr. McLEAN: In this connection should we not discuss the advisability or otherwise of printing the lists? In 1930 they were printed only for the urban ridings. I think we ought to discuss whether or not they should be printed at all. In the great bulk of the ridings in the country they were not printed in 1930.

Mr. McINTOSH: What I was trying to emphasize in regard to getting information was if you start writing to different printing plants you will find it is a conflicting and confusing way of getting prices. If you got in touch with the secretary of each national organization they would get in touch with their members and you would get the results just as correctly and much more readily. I do not think the job printing men are organized. You would have to write to some of the job printing plants to get their prices. There is no national organization for those plants, so far as I know.

The CHAIRMAN: Would it be agreeable to have Col. Thompson, Mr. Butcher and Mr. Castonguay consult with Mr. McIntosh after the meeting to arrive at some method of getting these costs?

Mr. TURGEON: I move that, Mr. Chairman.

Hon. Mr. STIRLING: Is it for the purpose of arriving at an average figure that can be inserted in the statute? Surely, that will be attended with a great deal of difficulty. The very word " average " implies there is a high and a low. In certain places that average figure will be high to carry that list, and in other places it will be low to carry that list.

Mr. McINTOSH: Have you any suggestion to offer as to how it can be applied in places where it is decided to print the lists locally. How are you going to arrive at a fair rate, not an exorbitant rate?

Hon. Mr. STIRLING: If it is decided that they should be printed locally the same method should be adopted again. So far as I am aware the only objection to printing the lists by the King's Printer is the unpopularity amongst

the people who would do the printing in the ridings. If there is a saving in cost by printing by the King's Printer it seems to me we want a larger objection than the mere unpopularity in the ridings before we give up the King's Printer.

Mr. MacNicol: When you abandon printed lists I think the King's Printer would—

Mr. Turgeon: As I understood the suggestion of the Chairman when I said that I would make the motion it was that the four gentlemen could get together after the meeting and advise us at a later meeting as to how we could go about arriving at a proper figure. That was the idea.

Mr. MacNicol: The government must have a record of what they paid in Toronto and Montreal. In some ridings they paid 8 cents, 9 cents, 10 cents and 11 cents. They must have that on file somewhere.

The Chairman: Apparently they took their instructions from the King's Printer as to what would be a fair price instead of asking the people outside to tender.

Mr. McLean: Are we not a little premature in trying to arrive at prices, because it seems to me it depends very largely on what we decide in connection with the Franchise Act. For instance, as between getting the lists printed in Ottawa or locally, if we decide to repeal the Franchise Act and go back to 1930, it just cannot be done at Ottawa. It is out of the question; it could not be done at all.

Mr. MacNicol: No.

Mr. McLean: It is largely a question of deciding what the election procedure is going to be.

The Chairman: If the work is done in Ottawa Mr. Castonguay says it will take close to three months.

Mr. McLean: I do not think there is much use—

Mr. MacNicol: It is out of the question.

Mr. McLean: I think we have to come to some other decision first.

Col. Thompson: It took 98 days—

Mr. MacNicol: What did it take in the 1930 election in Toronto, say?

Mr. Castonguay: In the 1930 election the printers were allowed 10 days to print the list.

Mr. MacNicol: Did you have any trouble?

Mr. Castonguay: No trouble in getting delivery of the lists any time any where.

Col. Thompson: They are printing them in Hamilton in seven days.

Mr. MacNicol: And at less than 8 cents a name. That shows what can be done.

The Chairman: There is another question to be dealt with. You have given us information with regard to the original registration. Have you any figures in regard to the yearly revision?

Col. Thompson: Yes, I have. Perhaps there may be a little confusion in regard to this chart. I put the yearly irreducible cost in each plan, printing the urban list as in 1930 and not printing the rural list. The cost as I estimate it is $1,170,000. If it is going to be printed in Ottawa it is going to take approximately a hundred days, if there is going to be an enumeration immediately prior to an election. Apparently the expeditious way is to print the urban lists locally, and any printing of the rural lists which have to come from outlying districts to Ottawa be printed and then sent back.

Mr. McIntosh: That would mean in some ridings there would be no local printing of lists whatsoever.

Col. THOMPSON: That is right.

Mr. MCINTOSH: Why that discrimination?

Col. THOMPSON: Merely on the question of costs. I was asked what it could be reduced to.

Mr. MCINTOSH: If you are going to discriminate on costs, why not eliminate printing entirely? That is the answer to that. I do not think in your cost argument or your cost conclusion that you ought to come to a decision in regard to printing in one riding and eliminate the printing in others.

Col. THOMPSON: That is the provision in the by-election act presently—

Mr. MCINTOSH: A voter in one riding has as much right to have his name printed as a voter in another riding.

Hon. Mr. STIRLING: Has there been any expression of opinion in a large way with regard to the desirability of printing rural lists? My experience is the printing of the rural list was a very popular feature. I do not know if that is the case in other parts of Canada or not.

Mr. MCINTOSH: I think it may be said that it is generally popular, very acceptable.

Mr. MCLEAN: To the printers.

Mr. MCINTOSH: No.

Mr. MCLEAN: Mr. Chairman, speaking as one who has been through a couple of campaigns I may say that the printing of lists does save the candidate a certain amount of stenographic cost. I think most candidates as soon as they get the lists that come to them in pen and ink immediately get a stenographer to run off half a dozen copies. It saves a certain amount of costs, but whether the large expense is justified or not I do not know. I should like to mention this: when the work was done last time we were supplied with some twenty printed lists after the enumeration. Then we were supplied with another twenty lists after the revision. Then the revising officer notified each candidate of the additions that were made. Well, I immediately added these to the revised list that I had. To my amazement in a few days another set of twenty-one lists came along. I think it was entirely unnecessary. Of course, the printing of the rural lists helps the candidate considerably. It saves him some expense, but it is a question whether the cost is justified.

Mr. MACNICOL: Were the rural lists printed at any time heretofore?

Mr. CASTONGUAY: The rural lists were not printed in 1930. Also prior to 1930 they were not printed. Prior to 1921 when the provincial lists were used not only as a basis but as the list to be used in the federal election all lists were printed. Since 1921 the only instance of rural lists being printed was in the 1935 election.

Col. THOMPSON: The cost of printing the rural lists in addition to the other would be $260,000.

Mr. TURGEON: If the rural and urban lists were printed at Ottawa or locally?

Col. THOMPSON: The printing of all lists locally would be $1,438,000. The printing of the urban lists only, the printing to be done locally, would be $1,170,000, making a difference of $268,000.

Mr. MACNICOL: On the basis of 7 cents or 8 cents?

Col. THOMPSON: I was reckoning on 8 cents.

The CHAIRMAN: I think your figures are wrong. You are talking about printing and you gave a figure of something over one million dollars. That is the total cost of preparing the lists and so on. The cost of printing alone is very much less.

Col. THOMPSON: Oh, yes, about $268,000 of a difference if you print them all as against printing the urban lists.

Mr. WOOD: I do not think there should be any discrimination between the rural and urban districts. My own constituency, for instance, is considered a rural constituency, but it is half industrial, it is half urban, it seems to me if it is a good thing for one we should extend that privilege to all constituencies.

The CHAIRMAN: Can we come to any conclusion whether we want these lists printed in rural constituencies?

Mr. WOOD: I move that they be printed in rural constituencies as well as in urban constituencies.

Mr. TURGEON: If we keep the present system.

The CHAIRMAN: It does not matter what system we have.

Mr. MACNICOL: If we are going to abolish the present system of a not up-to date permanent list, we have either to adopt the Australian system altogether or revert to the 1930 system. I thought we had settled that at the last meeting.

The CHAIRMAN: We voted against compulsory continuous or annual revision.

Mr. MCINTOSH: Is there a motion before the committee?

The CHAIRMAN: There was a motion of Mr. Turgeon that we endeavour to arrive at these costs. I think, without putting it to the meeting, we can endeavour to do that.

Mr. MCINTOSH: Mr. Wood's motion is before the committee.

The CHAIRMAN: That these lists be printed.

Mr. TURGEON: Locally.

Mr. MACNICOL: Yes, locally.

Mr. MCLEAN: I would like to know whether if we come back to the 1930 system of enumeration there would be time, under that system, to print rural lists?

Mr. CASTONGUAY: It would be difficult in some districts, but I think it could be done.

Mr. MCINTOSH: Where it could not be done, Mr. Castonguay, it could be done in another electoral area for that area in which it could not be done. There would be no difficulty in getting it done.

Mr. MCLEAN: It is a question of the time factor. I am wondering whether, in some of the rural places, these lists could be transported to where there is a place to print and have them printed in time.

Mr. MCINTOSH: There would be no difficulty in that respect.

Mr. MCLEAN: I would like to ask Mr. Castonguay whether that could be done.

Mr. TURGEON: Mr. Wood's motion would mean that all printing that is done should be done locally rather than by the King's Printer.

The CHAIRMAN: No. Mr. Wood's motion, as I understood it, was that rural lists should be printed, but he did not say whether the printing should be done locally or not.

Mr. WOOD: I did not mention that. I think those two things should be separated. As regards the place of printing, it seems to me it should not be necessary to confine it to any particular local constituency, because it might happen that a particular local constituency might not have the equipment to do the work properly.

The CHAIRMAN: The point we are trying to arrive at now is whether we want printed lists throughout Canada for elections.

Mr. WOOD: I move that we have printed lists.

Mr. MCLEAN: Before we can decide that we ought to know whether it is possible to have it under the 1930 system. I do not believe it can be done.

The CHAIRMAN: Perhaps Mr. Castonguay could tell you.

Mr. MCLEAN: Under the 1930 act, Mr. Castonguay, would there be time to print the lists between the time of nomination and the time the lists are to be handed to the candidates?

Mr. CASTONGUAY: Of course, it all depends on the interval between the issue of the writ and polling day. In 1930 there was a 56-day interval. If the interval is shorter at the next election there would be more difficulty. I do not think there will be time to print the final revised list of rural polling divisions, but I think it would be possible to print the preliminary list—the first enumerated list in each poll.

Mr. MCINTOSH: That is throughout each riding?

Mr. CASTONGUAY: Yes, throughout each riding.

Mr. MACNICOL: Why does it take so much longer to do this in a rural riding than in a city riding?

Mr CASTONGUAY: In the rural districts communications are sometimes very difficult. Take in northern electoral districts—Chapleau and Springfield—all those electoral districts run up to the North Pole. There is not as much time to do the work in those districts as in the south. The people cannot get around so easily.

Col. THOMPSON: There is also the constituency of Charlevoix-Saguenay.

Mr. CASTONGUAY: Yes, and Anticosti Island and Gaspe.

Mr. WOOD: Would there be anything wrong about printing an appendix.

Mr. CASTONGUAY: In rural polling divisions it is not necessary to revise the list since the lists are open.

Mr. MACNICOL: The lists may not be open.

Mr. CASTONGUAY: I am speaking of the 1930 system.

The CHAIRMAN: In order to get a section drafted in the act, I think Mr. Wood's motion, if it is agreed, might be worded somewhat like this: that where possible all lists be printed.

Mr. WOOD: Yes, that would cover it. That motion might be qualified to that extent. I know that most of the rural constituencies could take care of their printing, but there might be an individual case; and as far as the revision is concerned, if it cannot be done there is no reason why the rest of those who can qualify should be deprived of the privilege.

The CHAIRMAN: Your motion is, then, that all these lists be printed, where possible; that we word the act in such a way that there shall be printed lists.

Hon. Mr. STIRLING: We have to come to a decision as to whether or not it is possible. Who is to give the decision?

The CHAIRMAN: We will endeavour to draft a clause which will be introduced to the committee.

Mr. TURGEON: That depends upon the system.

The CHAIRMAN: Are you ready for the question?

(Motion agreed to.)

Now, have you any other questions to ask Colonel Thompson?

Mr. MACNICOL: Do you think you could get a qualified, competent man to act in these positions—chief enumerators or franchise officers or whatever they are called?

Col. THOMPSON: Registrars?

Mr. MACNICOL: In the ridings.

Col. THOMPSON: Registrars?

Mr. MACNICOL: Registrars of electors, is that the name?

Col. THOMPSON: Registrars of electors, yes.

Mr. MACNICOL: Do you think you could get a competent man to act for $250? I do not believe so.

Col. THOMPSON: Well, there was a very competent man in Ottawa East whom we got for $250. There is no complaint with his work.

Mr. MACNICOL: That was a by-election.

Col. THOMPSON: Yes.

Mr. MACNICOL: Is that all he got? $250?

Col. THOMPSON: Plus clerical assistance. As a matter of fact, he got $352 altogether, but that included clerical assistance. In Wright county, all told, the man got $282. That is $32 over what we are suggesting.

Hon. Mr. STIRLING: Taking a typical riding such as Charlevoix-Saguenay, can you get a competent man for that amount?

Col. THOMPSON: Yes. I do not think he will have as much to do as previously. All he has to do is appoint the enumerators. They do the revising. Under the Franchise Act he had to travel around to all these places.

Mr. FAIR: Is there any particular need to have the permanent list kept up? Since the election of 1930 I have heard a large number of people speak in a dissatisfied way with the system. If we went back to the old system there would be far more satisfaction and possibly far less cost.

The CHAIRMAN: Now, we spent two days dealing with compulsory voting and compulsory registration, and we have not yet decided whether we want either. Are you ready this morning to dispose of either of these two questions?

Mr. TURGEON: I am ready to move that we negative compulsory voting. I am ready to move that we negative the suggestions both with regard to compulsory voting and compulsory registration. However, if you wish to take them one at a time I will make my motion in connection with compulsory voting first.

The CHAIRMAN: We had better take them one at a time. Are you ready for the question that we do not adopt compulsory voting?

(Agreed to.)

The CHAIRMAN: Now, let us deal with compulsory registration.

Mr. MCINTOSH: I move that we reject it also, Mr. Chairman.

The CHAIRMAN: Are you ready for the question that we reject compulsory registration also?

(Agreed to.)

Now, the next question we come to is the system of registration that existed in 1934 and 1935.

Mr. ROBICHAUD: It seems to me that the consensus of opinion of the committee is that we go back to the act of 1930. Everybody seems to want that. Even last year that seemed to be the idea. I would move that we revert to the 1930 act. Perhaps we might have some modifications, but I move that we accept the principle of the act.

The CHAIRMAN: Just in order to elaborate that point a little, you mean that we have lists prepared only prior to elections?

Mr. ROBICHAUD: Yes.

The CHAIRMAN: We can dispose separately of the question of what enumerators we shall have, as far as the details are concerned.

Mr. MacNicol: We are dealing with the matter in principle. I think there are some slight suggestions which the chief electoral officer might make.

Mr. Turgeon: This is only a matter of principle.

Mr. MacNicol: Yes. I am strongly for it.

Mr. Purdy: I would be willing to support that motion. At the same time I think that possibly there should be a rider to the effect that we agree to the advantages of a permanent list but that we find that the expense of preparing such a list would be excessive, and I suggest that a conference be held with the idea of exploring the matter further to see if there is not some common ground on which lists applicable to the provinces and the dominion could be based and have both parties share the cost.

Hon. Mr. Stirling: Have we heard the opinion of the chief electoral officer on this matter. Unfortunately, I have not attended all the meetings, and I do not know whether Mr. Castonguay has expressed his opinion on the merits of the system.

Mr. Castonguay: I have been connected with the administration of the last eight general elections, and I have no hesitation in saying that in my opinion the system for the preparation of lists adopted in the 1930 election was by far the most satisfactory system used during that period. I believe, however, that the 1930 system, as good as it was, could be improved in the following respects:—

1. By reducing the minimum interval between the date of the issue of the writs and polling day from 56 to 42 days.

At the last eight general elections the interval between the date of the issue of the writs and polling day was as follows:—

	Days
1908	39
1911	50
1917	73
1921	61
1925	55
1926	58
1930	58
1935	61

The day of the issue of the writs and polling day have been counted in this calculation.

Mr. MacNicol: Are you satisfied that forty-two days would be long enough?

Mr. Castonguay: The minimum is forty-two days. Of course, the government will be free to fix sixty or seventy days if they deemed it advisable:—

2. By holding the sittings for the revision of the lists of electors in urban polling divisions 8 to 10 days before polling day, instead of 33 to 35 days as in the case of the 1930 election.

Mr. MacNicol: Anyone coming of age would be able to vote then.

Mr. Castonguay: Certainly, because the revising office would be open until then.

Hon. Mr. Stirling: What about rural ridings?

Mr. Castonguay: In rural ridings it does not matter, because the lists are open.

Hon. Mr. Stirling: Does this include the matter of swearing on election day?

Mr. Castonguay: The 1930 system prescribed that.

Hon. Mr. STIRLING: And you think it will continue?

Mr. CASTONGUAY: I think it is advisable that it be continued.

Mr. TURGEON: Does that include urban and rural constituencies?

Mr. CASTONGUAY: No. Urban lists are closed.

3. By eliminating urban registrars. I consider that urban registration was a useless procedure which cost $46,000 at the 1930 election.

Mr. MACNICOL: The 1930 election?

Mr. CASTONGUAY: Yes, in 1930 the list was enumerated by pairs of enumerators. It was then turned over to pairs of urban registrars who sat for three or four days to copy the enumerators' lists into an index book and to hear applications for the addition or striking off of names. That was a useless procedure and was the cause of a lot of mistakes. The urban registrars in the transcription forgot many names of voters, and there was no way of putting the names of these voters back on the list.

4. By establishing a flat rate of about 7 cents per name in the Tariff of Fees for the printing of the lists of electors in urban polling divisions. At the 1930 election, the rate paid was 10 cents per name in the east and 12½ cents in the west.

5. By reducing the cost of the preparation of the lists of electors. In 1930, the cost was about 21½ cents per name of elector on the list. I do not think that the cost should exceed 18 cents at the next election.

6. By reducing the cost of the taking of the vote. It seems to me that a considerable reduction could be effected if proper steps were taken.

The CHAIRMAN: In what way do you mean?

Mr. CASTONGUAY: A good many ways. I have given Mr. Butcher a list of suggestions whereby very substantial economies could be made over the 1930 system.

7. By sending, in urban polling divisions, to each dwelling therein a copy of the preliminary printed list of electors for the polling division in which the dwelling is situated.

Under that suggestion the list for the polling division in which a person's name would appear would be delivered at his door about three weeks before polling day, and the list would be printed somewhat like the specimen I have distributed:—

The cost of printing and delivering such lists would be negligible. A short notice could be printed on the list as to the place, day and hour of the sittings of the revising officer. Another short notice could be printed on the list advising the voters of the location of their polling stations, thus eliminating the necessity of sending notification post cards, which cost about $75,000 at the 1935 general election.

Mr. MACNICOL: Would you have it all on one sheet?

Mr. CASTONGUAY: I calculate it would mean only the printing of about seventy-five additional copies of the list, because there are seldom more than seventy-five dwellings in a polling division:—

8. By adopting a provision whereby electors, who were registered by the enumerators of urban polling divisions and to whom notices to that effect were delivered, but whose names were left off the list, might be allowed to vote on certificates issued by the returning officer after the latter had satisfied himself that the names of the electors appeared on the duplicate copies of the notices issued by the enumerators.

I think that was one of the weaknesses of the 1930 system.

Mr. MacNicol: Yes.

Mr. Castonguay: From every district we have had complaints that electors had received notices from enumerators but were unable to vote because in the transcription of the names by the enumerator or registrar their names had been left off by inadvertence. There was provision in the act whereby an elector whose name had been left off the list through an error of the printer could vote. but there was no provision for a case where names had been left off by enumerators or urban registrars.

9. By giving the chief electoral officer authority to declare urban any rural polling division in which a considerable number of strangers are temporarily engaged in extraordinary work of any kind, or temporarily stationed in a locality other than their ordinary place of residence.

For instance, if a gang of men is sent to do some temporary work at a place other than their place of residence at the time of the issue of the writ, and if the attention of the chief electoral officer were drawn to the situation, and if power were given to him under the act to declare that polling division urban, and to have a closed list in that polling division, it would avoid the trouble of which Mr. McLean spoke.

Mr. McLean: The onus of doing that in each case would rest on the member and that would make him very unpopular in that poll. Open lists are popular.

Mr. Castonguay:

10. By adopting a measure for the speedy payment of election officers who receive a fixed fee. The committee has already approved of this principle.

11. By adopting geographically arranged lists of electors instead of alphabetically arranged lists in urban polling divisions.

This was adopted last year in connection with the By-elections Act. The 1934 and 1935 lists were also arranged in this manner.

At the last meeting I was asked to prepare a memorandum on open lists, and I have it with me and I will read it if the Committee so desires:—

MEMORANDUM RE OPEN LISTS OF ELECTORS

An "open list" means that any elector, who is qualified to vote in a rural polling division, but whose name does not appear on the list of electors, may vote on polling day upon taking the appropriate oath and upon being vouched for on oath by an elector residing in the polling division whose name is entered on the list of electors.

In 1920, for the first time, open lists were authorized for Dominion elections and, at the general elections of 1921, 1925, 1926 and 1930, at all by-elections held between 1920 and 1935, open lists were used but, of course, only in rural polling divisions. The lists of electors which were used in urban polling divisions during that period were "closed lists," but many changes were made with regard to the places to be treated as urban areas. The Act of 1920 provided that the polling divisions comprised in all cities, towns and incorporated villages having a population of 1,000 and over, should be treated as urban, and that the remaining polling divisions be treated as rural. By virtue of the the amendments passed in 1921, the minimum population required for any place to be treated as urban, was raised to 2,500. By virtue of the amendments passed in 1925, this minimum population was raised to 5,000 and it was again raised to 10,000 by the amendments adopted in 1929.

During the period between 1920 and 1934, the chief electoral officer was authorized to declare urban any area which appeared to him to be urban in character. This authority was exercised in many instances, especially in places adjoining large cities such as Montreal, Toronto, Vancouver and Winnipeg.

The provisions of the act authorizing the chief electoral officer to declare urban any area not comprised in any city, town or incorporated village having the required population, are not very explicit, and it was always felt that such authority should be exercised only in the cases of places adjoining large cities or other places where the population was highly transient, such as mining towns, large unemployment camps, etc.

I might state that at the general elections of 1921, 1925, 1926 and 1930, the returns received from the various election officers indicate that "open lists" were found satisfactory in nearly all rural areas and in isolated towns where the population was stable.

It seems to me, however, that it would be advisable to give definite authority to the chief electoral officer to declare urban, where it is deemed expedient, any polling divisions in smaller towns and any other place where a considerable number of strangers are temporarily engaged in any extraordinary labours of any kind or temporarily stationed in a locality other than their ordinary place of residence. By declaring urban such polling divisions, the lists of electors would be closed and printed and I think that such a procedure would meet the difficulty complained of by a member of the committee at its last meeting.

Mr. MacNicol: What would you suggest in reference to the advisability of enumerators wearing a button which should be given to them by the government so that when the enumerators presented themselves at a door the person opening the door would know that they were government enumerators?

Mr. Castonguay: I think it would be a good idea for each enumerator to wear a badge containing some such inscription as "authorized government enumerator," or something of that kind.

Hon. Mr. Stirling: One of the main reasons why this was adopted was to get away from personation. Whether it was successful or not need not be discussed here. Probably people would differ in their opinion. However, Mr. Castonguay, in his suggestion, has referred to going back to the arrangement which was made in 1930 for handling that difficulty. One of the main objects in adopting the closed list was that it was believed it would strike a shrewd blow at personation.

Mr. Castonguay: I think that the sending of a list to each dwelling would cure the list to a considerable extent. Of course, personation takes place only in urban polling divisions, and any elector who receives a copy of the list will at once notice if his own name is printed thereon; he will also look at the name of his neighbours; and if he notices any fictitious names or the names of any persons who are not British subjects, are not of age or anything like that, no matter if that person is a politician or not, he is going to speak about it and it will certainly come to the ears of the people who are looking after the organization of the election. To my mind, the sending of a list to the dwellings would help a good deal in purging the list of fictitious names that are resorted to almost always in the case of personation.

In 1921, 1925, 1926, 1930 and even 1935 there were not 2 per cent of the electors who saw the list of electors containing their own names and the names of other voters, but under the system I suggest I do not think there would be 2 per cent who will not see it. This list is going to be looked at; it is not going to be thrown in the waste paper basket, because it will reach the voter two or three weeks before polling day just when things are getting interesting, and the majority of voters will take a careful look at it.

Mr. McINTOSH: It would help to increase the total vote also.

Mr. MACNICOL: Yes, it would. You might have some notation on the top of it asking that it be placed in a conspicuous place.

Hon. Mr. STIRLING: Would Mr. Castonguay repeat what he said with regard to this list? Is this a model?

Mr. CASTONGUAY: The suggestion is this:—"By sending in urban polling divisions to each dwelling therein a copy of the preliminary printed list of electors for the polling division in which the dwelling is situated. The cost of printing and delivering such lists will be negligible."

Mr. MACNICOL: The delivering would be done by the postal service.

Mr. CASTONGUAY: The delivering would be done by the postal service, and the list would be addressed to each dwelling by each returning officer. There would not be a list sent to each voter, but one to each dwelling.

Hon. Mr. STIRLING: Along the lines suggested in this sample sheet you have distributed.

Mr. CASTONGUAY: At 219 Bay street where there are a number of names only one list would be received.

Hon. Mr. STIRLING: It would be the duty of somebody else to fix the list up on the wall.

Mr. CASTONGUAY: It would reach the dwelling of the ordinary voter. Of course, there should be no obligation to post it up.

Mr. MACNICOL: Have you any idea of what it would cost extra so that each name on the list could get a copy?

Mr. CASTONGUAY: It would cost a little more for paper and press work.

Mr. MACNICOL: It would not cost any more for postal services, would it?

Mr. CASTONGUAY: Providing they are all put in the same envelope.

Mr. McINTOSH: I understand that this applies only to urban constituencies —not to urban centres such as cities and towns—only the ridings?

Mr. CASTONGUAY: That only applies where lists are prepared in a geographical manner, not to lists in a rural polling division where they are prepared in alphabetical order.

Mr. MACNICOL: A town the size of North Battleford which undoubtedly has more than one thousand of a population—

Mr. CASTONGUAY: Ten thousand now.

Mr. WERMENLINGER: Do you consider an apartment house one dwelling?

Mr. CASTONGUAY: No, every apartment—take a large building where there are a hundred apartments; there would be a hundred lists for the tenants in that building, that block.

Mr. WERMENLINGER: The list would be sent to the head of every family, practically?

Mr. CASTONGUAY: It means one list to be sent to the head of each family.

The CHAIRMAN: I think there is a pertinent question there that might be asked of Col. Thompson. In 1935 every candidate had a lot of trouble in trying to clear the lists. I know in my own constituency I spent weeks going over the lists and sending notices out to each poll. In that way I finally succeeded in having a fairly clear list in the constituency that I represent, but unless that work had been done by myself for somebody else the lists would have been in terrible shape. I should like to know if from your experience you have any suggestion to make as to how these lists could be cleared other than by compulsory registration or something of that kind.

Col. THOMPSON: You have reference, now, I presume, to an annual revision. Otherwise a new list would be prepared.

The CHAIRMAN: Yes; but taking the annual revision, how in the world are you going to get the list clear?

Col. THOMPSON: I can offer one suggestion and that is in regard to the people who have died since the last list was prepared and that is that the registrar be ordered to strike such persons off on receipt of information from the Vital Statistics Branch of the province. In regard to any errors in the list, how it is going to be revised after the general revision, I don't know.

Mr. MACNICOL: I know you grasp what I have been trying to point out. I am in no way criticizing the department. The department followed the act; it was the act that was at fault. After you finished your work in 1934, and the work was well done, the lists went to pieces, because the act did not make it compulsory on anybody to keep the lists up.

Col. THOMPSON: Precisely.

Mr. MACNICOL: So that when 1935 came, following the act, you instructed the registrars to open their offices, which they did. They were instructed to open their branch offices, as the act provided. Where the act failed was there was little effort made by the government to get the elector who had moved to come and re-registrar, or to eliminate the names of anyone who had died. I believe in my riding there were 234 people who died, of whom I kept a record myself. I did not want a card sent to any man who had lost his wife, or any woman who had lost her husband recalling the anguish that they must have gone through. I said we would not strike such names off. The result was that they were still on the list, and those who had moved were still on the list. Unless the candidates through their enumerators got busy and re-enumerated, the enumeration was not done. Of course, I quite realize that a lot of the trouble was brought about by reason of the depression and the vast number of movings that took place in the city. I believe the average number of movings in a city is 33⅓ per cent. These people move from one location to another in one year. So that when it came to 1935 our 1934 lists were at least 33⅓ per cent out of date. If the present system is to be carried on there is no way of doing it unless we adopt holus bolus the Australian system of compulsory registration and keep up permanent lists.

Mr. MCINTOSH: Continued registration.

Mr. MACNICOL: The Vital Statistics Bureau would notify the registrar that elector so-and-so had died, as I believe in Australia they must do. I believe also that when a man moves in Australia he has to go round to the city hall and obtain a permit to move. I am now speaking from memory, but I believe he must notify the authorities as to where he has moved. Is that not right, Mr. Butcher?

The WITNESS: He must notify the electoral Registrar within 21 days.

Mr. MACNICOL: Where our 1934 act fell down lamentably was that having completed the enumeration in 1934 it did not provide for a continuous revision.

The CHAIRMAN: I think I might add something to what you have said, Mr. MacNicol. In 1935 I sent a list to somebody in every poll, asking him to correct that list and give me a list of the names of people who had moved and a list of the names of people who had come into the polling division. Then, I signed the applications myself, instead of asking somebody else to do it, and asked that the names of those who had died be struck off the list, and those who had moved, or anything of that kind. Then I wrote to the individuals who had to register asking them to appear before the registrar at a certain time and place in order to get their names on the list. There was a tremendous amount of work in connection with it, but there was no other way that I could see that you could get these lists in shape except in that way. So far as the candidate is concerned he has as much work there as he has in going through an election campaign.

Mr. McINTOSH: I should like to say that I simplified the procedure in my own riding by doing this work through sub-associations which looked after a certain number of polls. In that way I covered the riding.

Mr. MACNICOL: That is where our 1934 act fell down.

The CHAIRMAN: We have a motion before us that we revert to the principle of the 1930 act instead of having permanent lists and annual revisions. Are you ready for the question?

(Motion agreed to.)

Mr. McINTOSH: We shall have to work out certain details, of course.

Mr. MACNICOL: That is a pretty good morning's work.

The CHAIRMAN: I think it is a good morning's work. At this stage of the session I think it would be well to deal with the question of franchise which came up last year in regard to Japanese citizens of British Columbia. Mr. Reid and Mr. Neill have been anxious to appear before the committee ever since the session opened in order to answer to some extent the brief that was filed last year. Would it be agreeable to the committee to hear these gentlemen at our next meeting on Thursday?

Hon. Mr. STIRLING: Have you had any communication from British Columbia?

The CHAIRMAN: Yes, I have been corresponding with Mr. Norris. I am sorry I have not his last letter with me. I left it on my desk. In that letter he said that he had no further submissions to make at this time, but he would be glad to receive a copy of the evidence given by Mr. Reid or Mr. Neill or anybody else who speaks to the matter, and that he would like an opportunity then of filing further submissions if he deems it advisable to do so.

Mr. McINTOSH: Who is Mr. Norris?

The CHAIRMAN: A solicitor in Vancouver who apparently prepared the brief for the Japanese citizens. On Thursday we shall hear these gentlemen from British Columbia.

The Committee adjourned at 12.40 p.m. to meet again on Thursday, March 11, at 11 o'clock.

HOUSE OF COMMONS, ROOM 429,

March 11, 1937

The Special Committee on Elections and Franchise Acts met at 11 o'clock.

Mr. TURGEON: In the absence of our chairman Mr. Bothwell, I move that Mr. Glen be chairman of this meeting.

The Acting CHAIRMAN: Gentlemen, Mr. Bothwell is indisposed this morning. The business before us is a submission by Mr. Reid, M.P., on the question of voting by Japanese citizens. I should say that Mr. Grote Stirling is anxious to be here but is unable owing to other duties, and I would suggest that Mr. Reid give us his submission in order that we may have it on the record and then that we should decide to have another meeting so that those who are interested in this question might have an opportunity to examine Mr. Reid on his brief. Do you agree that that procedure should be followed?

Mr. TURGEON: I move that we follow that procedure.

Mr. Thomas Reid, M.P., called.

The Acting CHAIRMAN: Proceed with your submission, Mr. Reid.

The WITNESS: Mr. Chairman, I would like to distribute copies of my brief to the members of the committee, and before commencing to read I should like to point out to the members that the submissions made are not made with any animus or prejudice against orientals. This is a question which we feel affects the province of British Columbia particularly, and it was felt by some of us that a presentation should be made to the committee by way of rebuttal to the brief submitted last year to this committee on behalf of the Japanese, and also against the representations made by a delegation of Japanese who appeared before the committee.

I might state, Mr. Chairman, that I have endeavoured in my brief to state authorities for statements contained therein, and I have endeavoured, so far as possible, to mention the authorities from which references are quoted, and also the fact that the word "brief" has regard to the brief submitted by the Japanese, a copy of which was presented to the committee last year, and I presume every member has a copy. When I speak of the Elections and Franchise committee in regard to the evidence presented by the Japanese I refer to volume 10 of the day to day reports, being the evidence taken on May 22, 1936, by the Special Committee of the House on Elections and Franchise Acts. With your permission, I shall proceed with my brief.

BRIEF

OPPOSING ORIENTAL FRANCHISE IN THE PROVINCE OF BRITISH COLUMBIA

Reasons why it would not be in the best interests of Canada for the Dominion Government to make any amendments to the Elections and Franchise Acts which would permit Canadian citizens of Oriental birth or parentage in British Columbia to vote in Dominion elections, contrary to the views of the majority of British Columbia citizens as expressed by Provincial Statute.

In 1936 there appeared before the Special Committee on Elections and Franchise, appointed by the House of Commons, a delegation of four Japanese who presented a brief asking that the Dominion Election and Franchise Acts be amended by deleting certain sections of the present Acts which by their provisions allow citizens of Oriental or Asiatic birth or origin to vote only in those provinces which by Provincial Statute do not preclude them from voting in provincial elections. As the Province of British Columbia is one province which deems it advisable to preclude all citizens of Oriental or Asiatic birth or origin from voting, this brief is presented with the view of placing before the Committee certain important facts in regard to this question which have not so far been presented. In view of the very strenuous efforts being put forth on behalf of the Japanese resident in British Columbia it is also felt some statement should be made by way of rebuttal.

HISTORY OF ORIENTAL IMMIGRATION INTO CANADA

So that a proper and better understanding of the Oriental problem may be obtained, it is deemed advisable first of all to present a brief resume of Oriental immigration into Canada from Confederation days up to the present time. It should be noted, however, that the Oriental or Asiatic question is primarily a British Columbia question and does not to any extent if at all affect any of the other provinces of the Dominion. According to a provincial survey over a period of twenty years, eighty per cent of all Chinese immigration to Canada is resident in British Columbia, ninety-eight per cent of all the Japanese, and ninety per cent of the Hindus, resident within that province. This is perhaps understandable when one considers that British Columbia faces the Pacific Ocean and is Canada's western gateway.

Practically all Oriental and Asiatic immigration is confined to British Columbia and those living east of the Rocky Mountains are wholly unaware of the seriousness of this Oriental penetration within the Province of British Columbia. It is safe to say that had the other provinces the same number of Orientals in proportion to their total population as has British Columbia, not only would this problem have been brought home to them, but something would have been done about it ere this time. For example, if the provinces of Ontario and Quebec had the same number of Orientals in proportion to the balance of their population, there would be over 500,000 in those two provinces alone. Later on in the Brief I shall deal with the actual figures.

It should be noted by the Committee, that leaving out of the discussion the Hindus, there are two distinct classes of Orientals in B.C., namely: Chinese and Japanese, both being mostly Mongolian in their origin. In regard to those from India, who are mostly of the Aryan race, these are not at the moment, nor are they likely to become any great problem, the estimated total number being not over 1,400, and of this number only about two per cent are females, so that no great increase is feared.

CHINESE

The Chinese were the first of the Oriental peoples to settle in British Columbia, some having landed on the Pacific Coast before Confederation. There was some fear even as far back as 1889 that Canada might be over-run by Orientals, for legislation governing the entry of persons of Chinese origin was first enacted in that year, at which time a head tax of $50 was placed as a barrier to their entry. This was later increased in 1901 to $100 and again in 1904 was raised to $500 for every Chinaman coming in, but so great was the number of Chinese immigrants entering, that in 1923 the legislation governing the entry

of Chinese was repealed and a new Act passed. This enactment abolished the head tax entirely and provided only for the entry of three classes, designated in Section 5 of the Chinese Immigration Act as follows:—

> The entry to or landing in Canada of persons of Chinese origin or descent irrespective of allegiance or citizenship, is confined to the following classes, that is to say:—
>
> (*a*) The members of the diplomatic corps, or other government representatives, their suites and their servants, and consuls and consular agents;
>
> (*b*) The children born in Canada of parents of Chinese race or descent, who have left Canada for educational or other purposes, on substantiating their identity to the satisfaction of the controller at the port or place where they seek to enter on their return;
>
> (*c*) (i) Merchants as defined by such regulations as the Minister may prescribe,
>
> (ii) Students coming to Canada for the purpose of attendance, and while in actual attendance, at any Canadian university or college authorized by statute or charter to confer degrees.

This practically closed the door in so far as the Chinese were concerned, as since that enactment in 1923 only some seven Chinese have entered as immigrants.

The total number of Chinese immigrants entering Canada according to the Department of Immigration records, since 1886 amounts to 90,326, and of this number 82,370 entered on payment of head tax. The total amount of head tax money paid by the Chinese for admission to this country between 1885 and 1923, when the doors were closed to immigration, amounted to the large sum of $21,223,150.

This fact should not be entirely lost sight of when considering the plea of the Japanese in this country, and there is little doubt that the Chinese have been discriminated against as compared with the Japanese, who have been allowed to enter Canada without any such handicap and free of any head tax. Further there is a special Act on our Statute Books called the Chinese Immigration Act, which prohibits any Chinese entering Canada except, of course, certain prescribed classes such as members of the diplomatic corps, etc. Here again the Japanese have been given more favourable treatment in that there is no such Act or barrier in force against those of Japanese origin on birth.

It is difficult indeed to state accurately the precise number of Chinese in Canada and particularly in British Columbia, owing to certain well-known factors such as: the number of Chinese leaving Canada and returning, the number of deaths, the number who have entered surreptitiously, the difficulty of taking a census of the Chinese population, and the reluctance of the Chinese to register births. These and other reasons make it extremely difficult to enumerate the exact number, and here it might be said the same difficulties apply with equal force when dealing with figures of the Japanese population, and which will be dealt with later.

It would only be fair to state, however, that the number of Chinese is now somewhat less than a few years ago owing to the return of many Chinese to their native land. This coupled with the fact that the number of Chinese females is only ten per cent of the Chinese males, is quite an important factor in preventing the natural increase which would ensue were there more Chinese women.

The latest official figures given are those issued by the Economic Council of British Columbia and issued in September, 1935, the total Chinese in British Columbia at the end of 1931 being given as 27,139, of which 24,900 were males and only 2,239 females. This ratio of ten per cent is in distinct contrast to the Japanese where the Japanese females almost equal the number of Japanese males in the province.

By Mr. Heaps:

Q. You said that since 1886 there were 90,326 Chinese who came to this country?—A. Yes.

Q. And now you claim there are 27,139. There are very few Chinese outside of British Columbia. I suppose you will admit that the large proportion of Chinese are in British Columbia?—A. Eighty per cent.

Hon. Mr. STEVENS: They do die.

The WITNESS: There are a certain number who have gone back and a certain number who have died.

By Mr. Heaps:

Q. Is not this problem adjusting itself?—A. Not to any extent. You and I will not live long enough to see the last of the Chinese in the province.

Hon. Mr. STEVENS: There are very severe restrictions, and they have kept the number down.

The WITNESS: I will continue:—

Before leaving the Chinese question it should be noted that no agitation to be given the franchise has come from the Chinese in British Columbia, nor has anything been said of the fact that in the Province of Saskatchewan it is the Chinese only who are not allowed to vote at Provincial Elections, and are the only Oriental race specifically mentioned. The present agitation for the franchise has been fostered entirely by the Japanese and by Japanese societies, and it is believed no momentous action such as this is ever undertaken without the full cognizance of the Japanese Imperial Government through its accredited mouthpiece in this country—The Japanese Consul. Such being the case it will perhaps be necessary to deal more particularly with the question in relation to the Japanese rather than the Chinese who, it would seem, are content to accept our laws without protest, and here again they differ from the Japanese who are much more assertive in Canada than are the Chinese.

Hon. Mr. STEVENS: Should not the expression "Japanese Consul" be corrected in the record to read "Japanese Minister"?

The WITNESS: Yes, it would be "minister" because the minister is here in Ottawa. I continue:—

JAPANESE

Immigration to Canada from Japan did not begin to be extensive until the years following 1900. Previous to that year the number of Japanese was estimated to be 1,400. Due, however, to the great numbers entering in 1905, 1906, and 1907, in which latter year some 7,601 Japanese immigrants entered, the Government of that day negotiated with Japan what has been called a Gentlemen's Agreement, whereby Japanese immigrants were to be limited to only 400 per year. Unfortunately, however, it was later discovered that Japan was not observing the Agreement entered into, as far greater numbers of Japanese were coming to Canada than the 400 per year agreed upon, the number entering for one year alone, according to the Department's records, being given as 1,178. It was during those years that the so-called picture brides came to Canada in such large numbers. At this time Japanese resident in British Columbia could and did pick out wives for themselves from photographs, and those so chosen entered Canada as the wife of some Japanese.

After much negotiation between Canada and Japan a new Gentlemen's Agreement was finally concluded in 1928, when it was arranged that the number should be definitely fixed at not more than 150 yearly—75 males and 75 females.

This number has more or less maintained since that time. According to the latest official figures issued by the Research Department of British Columbia, who made a complete and careful survey of the Oriental question on behalf of

the Provincial Government in 1935, there was a total of 22,205 persons of Japanese birth or origin resident in British Columbia up to the end of the year 1931. Of this number 13,035 were male and 9,170 females, making the proportion of females to males forty per cent of the total Japanese population. To this number would have to be added the number who have come into the country since 1931, which according to Immigration statistics would amount to approximately 600, and to this must also be added the natural increase which in the years from 1928 to 1931 amounted to an average of 1,400 per year. These, however, are only the births actually registered by the Japanese, for it is well known that great numbers of births take place amongst the Japanese which are not registered. This then brings the total up to approximately 30,000. It is here that strong exception must be taken to the figures presented by the Japanese delegates appearing before the Committee, who on page 4 of their Brief give a total of only 19,960 which number is far and away below even that of the immigration figures given in the report of the Department of Immigration and Colonization issued by the Dominion Government, and considerably below that issued in 1935 by the Research Department of British Columbia, who made a most careful study and survey of the matter.

By Mr. Heaps:

Q. Have you the census figures giving the number of Japanese for 1931?—A. Yes, the census figures do give the number.

Q. How do they correspond with these figures you have submitted?—A. From 1900 to 1936, according to figures in the records of the dominion government, the number is 25,014.

Q. The number admitted?—A. Yes.

Q. What was the number actually in this country at the time of the census?—A. I will give you that number later on from the census records. I will continue with my brief:—

Evidently the Japanese in presenting their case to the Committee wanted it to appear that there were fewer Japanese in the Province of British Columbia than careful analysis actually shows, for the statistical number of 30,000 now given was available for them to present to the Committee had they been willing to do so and to give anything like the actual number of Japanese resident within that province.

By Hon. Mr. Stevens:

Q. Mr. Reid, it is reasonable to say, is it not, that that figure of 30,000 is a safe figure to adopt?—A. It is conservative. It is a very conservative figure.

Q. Personally I am convinced of that, but I wanted to emphasize that point at this time. There is no doubt of the reasonable accuracy of that figure and that it is on the conservative side?—A. None at all.

By Mr. Heaps:

Q. Where is that figure taken from?—A. The provincial government appointed a committee which went exhaustively into the question of orientals in the labour market. I have a copy of it with me which I may quote from. These are the figures I am quoting of orientals—Chinese and Japanese in the province.

Q. I want you to try to correlate those figures with the Bureau of Statistics census of 1931?—A. I will before I am through. I do not think there is any doubt about the figures issued by the provincial government.

By Hon. Mr. Stevens:

Q. The provincial government survey constituted really a special census of orientals?—A. Yes.

Q. As distinct from a general census?—A. Yes. The provincial government appointed this committee and one of its duties was to look into this matter.

By Mr. Heaps:

Q. What year was that?—A. 1935. Now I will proceed:—

Mention should be made of the number of Japanese who have entered Canada surreptitiously and also of the great number of Japanese who are holders of naturalization certificates presumably issued in British Columbia, but who obtained these fake naturalization certificates before leaving Japan. A highly organized racket was exposed in 1931 before the Courts of British Columbia when one by the name of Yoshi, a Japanese, who held the position of Japanese interpreter for the Department of Immigration, was convicted as the leader of a group who had been practising this nefarious game for upwards of ten years, and during which time it was estimated hundreds of Japanese had entered Canada with false naturalization papers.

By Hon. Mr. Stevens:

Q. It is a matter of court record, is it?—A. Yes. It is a matter of court record.

It is also well known that many Japanese in British Columbia to-day are holders of birth certificates which show them as having been born at some place in British Columbia, but who were actually born in Japan.

It would be difficult to correctly estimate the number of Japanese who are thus claiming naturalization in this country or to having been born here, but who obtained the papers they have under the circumstances just described.

The next part of my brief deals with the answers to the Japanese submissions: —

It was submitted on behalf of the Japanese that the reason for the provincial legislation denying the franchise to Orientals was due to the fact that at the time this was enacted there were large numbers of Chinese in British Columbia, most of whom were labourers, etc., and that these Chinese were uneducated and of low social order, and totally unfitted to discharge the duties of citizens. Such a statement is neither a fair one nor is it a correct one to make, and one wonders just what the Chinese themselves would have to say were they made fully aware of this statement, and which to say the least, belittles those of the Chinese race, and pictures those of Japanese origin as being of a far superior race or class of people than the Chinese.

It can at least be said for British Columbia that in its legislation saying who shall be given the franchise and who shall not, no favouritism or discrimination has been shown, for the Act prohibiting the franchise to certain classes and races of Orientals, includes Chinese as well as Japanese, and including likewise British subjects from India and also the native Indians of British Columbia.

On page 9 of their brief, the argument is used that the classification of Japanese along with Chinese, Hindus, and Indians, and in which all are included in the disqualification clause of the Provincial Franchise Act is, so they claim, a weapon of industrial expediency and an instrument of race suppression. Surely they are not serious in this contention, and they should be the very last in this country to make any complaint about weapons of industrial expediency, that is when one considers the almost strangle-hold the Orientals have obtained in British Columbia on many of the leading industries in that province.

At this point it might be interesting to the committee to know of the great fight which is going on in British Columbia at the present time against the Chinese market gardeners who are not amenable to the Marketing Act and who have a strangle hold on all vegetable business both wholesale and retail. I can show you a picture of one of the bridges which is being picketed by farmers to prevent these people from violating the laws of British Columbia.

This phase of the oriental question, so far as the Chinese are concerned, is coming to a head in that province. As is well known, no white wholesaler can compete with the Chinese; they are virtually in control of all the vegetables in the province of British Columbia. Many smart white business men have tried to buck the Chinese combine and have failed. That is admitted. Those of us who live in British Columbia know it only too well. To continue:—

Note the effrontery of the statement made on page 11 that the Japanese who have come to Canada for the past number of years have been of a higher class than usually is the vanguard of immigration to any country. This statement, I claim is an insult to the early pioneers who came to Canada in the early days and hewed out homes for themselves, and who suffered many and real hardships in the early years of the building up of this country. As a matter of fact the Japanese is not a pioneer at all, he usually waits until someone else does that and then follows along afterwards, and so reaping any benefits accruing from such pioneering. This, at least, has been the history of the Japanese in the province of British Columbia.

On page 11 mention is made as to why the Dominion Parliament passed the legislation it did in the matter of disqualification. The legislation passed by the Dominion Parliament was passed in fairness to the wishes of the people of British Columbia, who in their wisdom deemed it advisable not to grant the franchise to the four classes, namely: Chinese, Japanese, Hindus, and Indians. The statement that the legislation passed was instituted largely by the trades labour unions should be seriously challenged, likewise the one made that at that time there was no true race question before the country. It should be emphasized that there has always been a race question in British Columbia ever since the advent of Orientals into that province and as far back as 1886.

If any argument is required to show that this matter should have been taken up by the Japanese first of all in the province of British Columbia and to the Provincial Government, it can I believe be found on page 12 of their own brief, wherein they quote the resolution passed by the Vancouver and Vicinity Camp and Mill Workers Federal Union No. 31, which resolution asks that full provincial franchise rights be granted to all, this being sent to the Provincial Government and where the question in the first place rightfully belongs.

To argue as they do on page 13 that this state of affairs is a blow to the principles of Confederation is simply a begging of the whole question. If such a line of argument were pursued it could well be shown that at the time of Confederation, British Columbia being a Crown Colony retained certain rights and privileges of its very own, and at that time there were practically no Orientals in the province except a handful of Chinese. How could the Fathers of Confederation have successfully dealt with something which had not then arisen and which was never even contemplated?

The argument advanced on behalf of the Japanese on page 14 cannot be taken very seriously when they quote from a speech by the late Hon. Thomas D'Arcy McGee, wherein he states, "God hath made of one blood all the nations that dwell on the face of the earth." They may be of one blood insofar as blood itself is concerned, but is it not a fact that the different races which exist on the earth to-day—white, yellow, black, and red—are, biologically speaking, distinct one from the other? We have a long way to go yet before the different races can be made into one homogenous race if indeed they can ever be, and the granting of the franchise to the Orientals will not overcome the evident physical differences and distinctive characteristics of race.

We entirely agree with them on Page 14 that the race disqualification in British Columbia is a purely provincial matter; with this we are in hearty accord. There is no gainsaying the fact that were the Dominion Government to act contrary to the wishes of the people of British Columbia as expressed by

Provincial Statute, thereby removing the present sections in the Dominion Act, it would certainly be the thin end of the wedge in the drive by the Japanese to overcome the views held and expressed by the people of British Columbia. In that event it could very well be argued, and it certainly would be in British Columbia by the Japanese resident therein, "We are allowed to vote at Dominion elections in your Province, so why should we be debarred from voting in Provincial elections?" When that day comes, if it ever comes, we might as well pull up our stakes and seek pastures new, for they will then, by reason of numbers to a great extent be able to control affairs in the Province of British Columbia, political as well as economic. This point cannot be too strongly emphasized. The appeal now being made by the Japanese to Ottawa is to say the least of it, rather an astute move on their part. Knowing the strong sentiment which exists in the Province of British Columbia against the granting of the franchise to Orientals, they have ignored that province and come some three thousand miles to the Capital City of Ottawa in the hope that by appealing to a Committee comprising a majority of members from other provinces, who why by reason of distance etc. from the province are not quite aware of the serious influx into British Columbia of Orientals and the actual serious conditions existing there, they might possibly be influenced by sentimental appeal into giving some attention to the request now made on behalf of the Japanese.

The Japanese are ever prone, in this country at least, to speak frequently about British justice but they, it would seem, in regard to similar matters affecting nationals other than Japanese, in Japan act in accordance with Japanese standards of justice which according to the British or Canadian standpoint might be something entirely different.

The statement is made on Page 16 of the Brief that as the result of their being denied the right to be elected to public office, such as the Provincial legislature, Municipal Council, School Board, etc., the Japanese in British Columbia find it difficult to obtain employment with Canadian people. This is not only a gross exaggeration but is entirely misleading and untrue. One has only to visit British Columbia to see for himself the inroads made by Orientals in industry to realize just how untrue such a statement really is. Wherever one goes Japanese of all ages and both sexes will be seen at work either in pulp mills, logging operations, fish canneries, etc., and on the coastal steamers Japanese have been employed for many years past. A complete survey of the Oriental labour situation in British Columbia was instituted by the Provincial Government and according to the figures issued, in 1931 there was a total in the Province of 31,760 Orientals gainfully employed, and of which 23,192 were Chinese and 8,568 were Japanese. These Orientals are employed in practically all pursuits from labouring and farming to the professional and commercial occupations.

A very interesting statement is also shown in the Provincial official report mentioned. One of the tables submitted shows that British Columbia may expect in the years 1938 to 1940 inclusive a slight decrease of some 452 Chinese on the labour market, but an increase of some 3,504 males and 370 females of Japanese birth on the labour market, or a total increase of Japanese in the labour market of 3,874 in these years.

Further, with regard to the inroads which have been made by the Japanese in the economic life of British Columbia, consider for a moment the encroachments made by them and the hold they now have on our Canadian fishing grounds. Out of a total of some 12,325 licences issued by the Department of Fisheries in 1935, 2,023 of these were issued to those of Japanese birth or origin as against 2,971 to Indians and 7,331 to Whites. In other words the Japanese are getting 18 per cent or more of all fishing licences issued and which, according to numbers, is equal to a total of 7 per cent of the number of Japanese resident in that Province. The percentage of Whites and Indians combined is only approximately 1½ per cent of the total population, and yet never an opportunity is lost by the Japanese to plead for more and yet more commercial fishing licences for those of their own race.

[Mr. Thomas Reid, M.P.]

I may tell the committee that every place the minister and I went last year we were met by delegations of Japanese pleading that more Japanese be given fishing licences. It is well known that they are held down to a certain number.

Strong exception must be taken to the statements on page 18 when in dealing with scholastic attainments it is asserted that the Japanese born in British Columbia do not speak the Japanese language neither, so it is stated, do they learn it in their own homes. This statement is far from the truth. Not only do they speak Japanese when conversing with those of Japanese origin and birth, but they see to it that the children, whose parents are unable to send them to Japan, learn not only the Japanese language but Japanese culture, etc., as well, and Japanese day schools are held almost everywhere throughout British Columbia where Japanese are to any extent congregated. The Japanese children have to attend school under Japanese instructors after regular school hours and on Saturdays, and also during the usual annual summer and winter recesses, at which times other children are free from school duties.

By Hon. Mr. Stevens:

Q. You mean that after they have attended the public schools they attend special sessions of private Japanese schools for exclusive instruction in Japanese culture and education?—A. Yes. To continue:—It is openly stated on fairly reliable authority that financial assistance is provided for the Japanese teachers and instructors from sources in Japan itself, through the medium of the resident Japanese consul.

I wonder if that should be "minister"?

Hon. Mr. STEVENS: No. I think "consul" would be right there; it refers to the Japanese consul in Vancouver.—A. To continue:

This point is mentioned not as an argument that the Japanese have no actual right to do this if they so desire, but rather to refute the statements made, namely: that the Japanese children in British Columbia do not speak the Japanese language. The statement made is at complete variance with the actual facts of the situation as they exist to-day in British Columbia.

ASSIMILABILITY OF THE ORIENTAL

We come now to the question of assimilability of race, and here it should be noted that very little is stated in their brief about this matter, although it is one of the most important if not the most important, especially from the standpoint of our national life, economic and otherwise. Without dealing too exhaustively with the question of what is meant by non-assimilability, it perhaps can be stated to be when one race of people cannot, biologically speaking, be absorbed into another race of people by the union of the two races in marriage, and this is the case in regard to the Chinese and Japanese, whose blood stream is principally Mongolian or Polynesian, marrying into our own race. As a matter of fact the danger is that the Chinese or Japanese by inter-marriage would absorb our own race, and this is amply born out by the fact that in the few instances where a Chinese or a Japanese has married a Canadian woman or vice versa, the offspring born from the union of these two races have distinct physical characteristics and are unmistakably Oriental in features and appearance. It is not generally known, however, that the Japanese themselves do not encourage marriages with other races such as ours. Even the Japanese recognize in their brief that Canadian-born Japanese retain Japanese characteristics, as on page 19 they state that children born of Japanese parents in Canada (and I quote the words used) "except for physical characteristics are indistinguishable from Canadian children." Is that not a sufficient difference, for well could the same be said

also of children born of coloured parents. This statement is repeated on page 20 where it is stated of the Japanese children born in Canada that all the other racial characteristics with the exception of the different racial physical characteristics, in a short time will be gone, and in which statement we concur, for the children now born in British Columbia are as distinctly Japanese as their parents or grandparents.

The granting of the franchise will not, and indeed could not break down the peculiar racial characteristics which the Oriental has, and which it is admitted still exists. It would, however, as they themselves readily suggest, further economic assimilation, but are we in Canada prepared to allow an unassimilable race of people to control the economic and political life, if not of Canada, then that of British Columbia, the dangers of which have become more apparent in that province during the past number of years.

The brief speaks of the Japanese race as being a proud one, etc., a fact with which we find no fault, although it is not generally known just to what extent this pride of theirs really goes and which is now becoming more apparent in British Columbia. We take no great exception to this, but it should be pointed out that national pride does not pertain to any one race or nation. When the question of good feeling is introduced by them as one being related to that of trade, the fact should not be lost sight of that Australia has gone a great deal farther in restrictive legislation against the Oriental than has Canada, in closing her gates entirely to them, yet Australia has been doing more trade with both China and Japan over the past number of years than has Canada.

By Mr. Heaps:

Q. Are the orientals or Japanese or Chinese who settled and remained in Australia allowed to vote?—A. My information is no. To continue:—

One wonders at many of the arguments advanced on page 22. For example, they state that the Japanese system of Government is like ours and one can only wonder just why such an argument would be made or if they really expect such a statement to be believed. And again, what the fact of their navy being modelled along lines similar to that of Great Britain has to do with the granting of the franchise to the Japanese in British Columbia is somewhat difficult to understand, unless it is being used as some kind of threat or bogey.

On page 21 they speak of a time to come when by force of numbers the franchise will have to be granted to them, and it is stated it will be then too late. Further they ask the question, "Does Canada want a blood purge similar to that of Hitler with regard to the Jews in Germany?" Statements such as these just quoted and as put forward on behalf of the Japanese ought not to be given much credence and should not be recognized as having any bearing whatsoever in any appeal for enfranchisement of Orientals at Dominion elections in any province in Canada.

RIGHTS OF DOMINION TO LEGISLATE

A considerable number of pages of the Japanese Brief, notably pages 25 to 42, are devoted to somewhat lengthy arguments, legal and otherwise, which are advanced disputing the rights of the Dominion Parliament under the British North America Act to legislate in regard to who shall or who shall not vote at elections. Surely no importance can be attached to those arguments. The fact that this matter was taken before our Courts by the Japanese themselves, even going as far as appealing to the Privy Council in 1905, at which time the decision was against them, is proof enough of our legal rights to legislate and settles the question without any shadow of doubt. It is the right of every country, including Canada, to say, if they deem desirable so to do, who shall and

who shall not vote, and to argue as is done on page 39 that our refusal to grant the franchise to the Japanese cannot be supported by law is, to say the least of it, ridiculous.

LAWS IN JAPAN

The conclusion of the Brief deals particularly with Japanese Acts and ordinances in effect in Japan, touching on nationality laws, land laws, and ordinances as affecting foreigners in that country. No proper interpretation of the various Japanese statutes quoted can be obtained by a mere cursory examination or reading of sections extracted or quoted from these Statutes, and which have been translated into English for the purpose of the arguments submitted. Just for what purposes these extracts from Japanese Statutes have been submitted is difficult to understand, unless it be for the purpose of making some kind of comparison between Japanese and Canadian laws. In answer it should be pointed out that it is hardly possible to make anything like a fair comparison between two countries such as Japan and Canada as conditions are so vastly different and dissimilar in Japan to those in Canada. However, what we in Canada do is strictly speaking our very own business. Likewise what Japan does is strictly Japan's own business, but strong exception must be taken to any suggestion that Canada is less generous in her dealings or treatment of Oriental races within its borders, than is Japan itself towards those of foreign or alien birth living in Japan.

In Mr. W. J. Sebald's translation of "The Civil Code of Japan" he enumerates "private rights" as follows:—

> Among other disabilities, aliens cannot hold shares in the Bank of Japan (B.J.R. Art. 5), Yokohama Specie Bank (Y.S.B. Art. 5), Bank of Korea (B.K.L. Art. 5, par. 2), Korean Industrial Bank (K.I.B. Art. 4, par. 2), Oriental Development Co. (O.D.C. Art. 3), Japan Wireless Telegraph Co. (J.W.L. Art. 5), South Manchuria Railway Co. (S.M.R. Art. 2). They are not allowed to hold mining rights (Mining Law Art. 5), or placer mining rights (Placer Mining Law, Art. 23), to own Japanese ships (Shipping Law, Art. 1), to become pilots (pilots' Law, Art. 2, par. 1). They cannot obtain navigation subsidies or ocean fishing subsidies (Ocean Navigation Subsidy Law, Art. 1, and Ocean Fishing Encouragement Law, Art. 2). They cannot be members or heads of Japanese houses (Civil Code, Art. 964 and Art. 990, par. 2). But *aliens are debarred from owning land only in strategical areas specially designated by Imperial Ordinance* (Alien land Law, Art. 4). As for public rights, *they are excluded from all suffrage, national, prefectural and municipal.* Nor can they enlist in the army or navy or be appointed officials (if aliens are taken into Government employment, it is merely as "employees" and not as regular officials). They cannot even join political parties or be promoters of public political meetings (Peace Police Law, Art. 6).

As already pointed out, it is not possible in any brief such as has been submitted to deal in any competent manner whatsoever with the laws and ordinances of a country like Japan, unless one is fully conversant not only with all the statutes and ordinances of the country itself, but also with its customs and people. It should be pointed out, however, that while many of the Japanese statutes read as being one thing, very often the effect of them is entirely changed or nullified by provisions contained in other laws or ordinances.

The same point would apply to ourselves. You could not interpret a statute exactly by reading only one part, unless you knew the laws of the country.

It is difficult to understand just what significance such presentations in their brief have in regard to the question, but some note should be taken of them and to refute any suggestion that Japan gives the same equal rights or privileges to

those in Japan other than her own race and equal or similar to those enjoyed by the Japanese themselves in Canada. One has only to carefully read over the various sections quoted in the Japanese brief to realize the truth of this.

Dual citizenship and assimilatability are my two most important points. To continue:—

DUAL CITIZENSHIP

Mention should be made of the question of Japanese dual citizenship, which matter was discused in 1936 during the time the four Japanese delegates appeared before the Elections and Franchise Committee and considerable attention should be given to this matter when considering any appeal for the granting of the franchise to those of Japanese birth or origin.

Up until 1924 all Japanese born in Canada were Japanese citizens and reckoned as such by the Japanese Government, and according to the Japanese national law all Japanese children, no matter where born, were Japanese subjects, unless at the time of their birth the parents renounced allegiance to Japan. It is extremely doubtful if many Japanese ever took steps to renounce allegiance to Japan. Under the new law Japanese can and still do retain Japanese citizenship of their children born in Canada by simply having the births registered with the Japanese Consul. According to Professor Hayakawa, a British Columbia born Japanese and one of the chief witnesses, no figures could be given as to the number of Japanese born in Canada who would be thus registered at one and the same time as citizens of both countries and which he later declared gave them protection in Canada by the Japanese Government. It was admitted, however, that Japanese children born in Canada were still being registered with the Japanese Consul, and it is very doubtful if there are any appreciable numbers of Japanese children born in this country whose births are not registered with the Japanese Consul in this country. While the disinclination of the Japanese to relinquish Japanese citizenship is their own affair, why pretend they are out and out Canadians? It is doubted if in effect there is actually much difference in the new Japanese law of 1924 from that of the Act previously in operation.

The disinclination of the Japanese to relinquish their citizenship is perhaps looked upon by them as being a virtue rather than a fault, and possibly furnishes one of the outstanding reasons for the great national solidarity of Japan, unique among the nations of the earth to-day. It does, however, furnish an equally good reason why the average Japanese cannot, in the strict sense of the word, make a good Canadian citizen. The further fact should be noted that China also makes claim to all Chinese living abroad, and even Chinese born in alien lands are not allowed by China to change their nationality.

What is particularly feared in British Columbia is the danger of Japan maintaining a separate state within Canada. What has taken place in other countries, particularly Hawaii and California, should be a lesson to Canada. As late as the early 1920's Japan maintained in California a state within a state, in which every Japanese, whether alien or native-born American citizen, was under orders from Japan in peace or in war, and was forced to belong to a local association under the control of the Consul General of Japan at San Francisco.

In 1924 when the new Law regarding registry of births abroad was put into effect by Japan, the argument was advanced by the Japanese abroad, just as it is being advanced to-day by the Japanese in British Columbia, that dual citizenship would largely disappear. Such, however, has not been the case. Various factors, including the insistence of the first generation, the pull of heredity, the Japanese law of family, the teachings of Buddhist instructors in the Japanese language schools, and the encouraged study of Japanese culture,

tend to nullify the purpose of the law. It was estimated by Governor Joseph Poindexter in February, 1936, that in Hawaii over two-thirds of the Hawaiian-born Japanese retain their Japanese citizenship with all obligations thereof. It has been estimated on fairly reliable authority that nearly fifty per cent of the voters in Hawaii are now of Japanese origin or birth.

That the same situation exists in regard to the registry of Japanese births with the Japanese Consul in Canada will not be either seriously or successfully refuted. The statement made to the Committee by Professor Hayakawa that he did not know the number of Japanese children born in British Columbia who would be registered by the Japanese Consul, on the face of it seems strange. The four Japanese delegates who appeared before the Committee were apparently fully conversant with all complete figures and data, and it hardly seems probable that they would have no knowledge or information as to the number of Japanese children registered with their own Consul since 1924, which registration makes them citizens of Japan, amenable to directions and instructions from the Japanese Government and as was admitted by Professor Hayakawa before the Committee last year, in the event of serious trouble in Canada they would be given some kind of protection or other.

Once the Japanese secure the franchise in British Columbia the next objective contemplated is to obtain legislative positions, such as municipal, Provincial or Dominion, and this was readily admitted by one of the Japanese delegates. When that time comes, the Japanese Government will then have an active voice in Canada and so help to shape the policies of this country.

Practically all the arguments presented to the Committee on May 22nd, 1936, by the four Japanese delegates in person, were contained in the brief submitted by Mr. T. G. Norris, K.C., on behalf of the Japanese Canadian Citizens League, and their submissions were in most instances merely repetitions or extracts from the Brief itself. However, there were some statements made by them which it is perhaps just as well to take note of and not allow to remain unchallenged, lest it perhaps be said later that they either were not or could not be.

Dr. Banno in his evidence made the statement that out of possibly 2,000 Canadian-born Japanese over the age of eighteen, 500 are members of the Japanese League in the Lower Fraser Valley, New Westminster, and Vancouver districts, and then Professor Hayakawa in his evidence stated that the group of young Japanese who made the survey mentioned found only 1,210. Quite a disparity in numbers. This same group in their survey, according to Miss Hyodo, discovered only 19,960 Japanese in the entire province, of which she stated 10,965 are Canadian-born, which would leave only some 8,995 who are not Canadian-born and therefore must have entered Canada. According to official Japanese figures issued in the Japan-Manchoukuo Year Book of 1937 issued in Tokyo, at Page 46 of that report a total of 21,062 is given as the number of Japanese resident in Canada in 1934.

Bear in mind that that is taken from the official records of Japan. The figure given by Japanese authorities is 21,062 Japanese resident in Canada.

How does this compare with Miss Hyodo's statement that there are only some 8,995 not Canadian-born, unless it be that all Japanese, whether born in Canada or Japan, are looked upon as such by Japan itself, and which we contend is actually the case.

An important fact and one not generally known but which must not be overlooked, is that Japan grants financial assistance to Japanese emigrants to enable them to settle abroad. The official figures published in Tokyo for a period of ten years, 1925 to 1934, show a total of 197,325 Japanese, both male and female, as being given financial help to enable them to make a start abroad.

The same table shows a total sum of 222,611,000 yen, approximately fifty million dollars, as money having been remitted by the 197,325 Japanese who left Japan to settle in other countries, (see Page 45, Japan-Manchoukuo Year Book, 1937).

I may be wrong about the figure $50,000,000, but the figure as respects yen is correct.

The official records issued by the Department of Immigration of Canada show the number of Japanese coming into Canada from 1900 to 1936 as being a total of 25,014. This does not take into account the Japanese immigration for any of the years previous to 1900 and which amounted to some 1,500. One wonders if any figures presented by the Japanese in Canada can be relied upon and the question naturally arises as to the real reason for the Japanese not presenting the officially recorded figures issued and obtainable from the Department of Immigration and which figures cannot very well be disputed. They could even have presented the figures obtainable from Japan itself. It would appear to be a studied policy on their part to minimize the actual or potential numbers of their race not only in Canada, but also as was done in regard to Hawaii and the Pacific Coast States as well. It is fair to make the statement that the official figures as issued by the authority of the Provincial Government of British Columbia in 1935, are fairly conservative and if anything, rather under estimate the actual number of Japanese living in British Columbia, the total number being given as approximately 30,000 and not 19,960 as quoted by Miss Hyodo.

Dr. Hayakawa mentioned before the committee that there was danger of the situation in British Columbia ultimately becoming similar to the caste system of India. Surely this is a far-fetched argument to use, as there is no comparison between the matter of the caste system of India, which is maintained chiefly through different religious beliefs or doctrines, and the question of the Japanese enfranchisement in British Columbia, where the problem is chiefly a biological one.

Instances of the Japanese marrying outside of their own race are rare. How then, it should be asked, is it possible to absorb a race such as the Japanese without intermarriage? Canada, like the United States, must be built up of a homogenous race, although there are some who believe that admixture of blood of all races is beneficial to mankind, but usually those who advocate or believe this want it tried out by other people's sons or daughters rather than their own. Apart from all this, however, we should face the question that even if assimilation were possible, which of the two races would predominate?

Professor Hayakawa's statement in answer to a question that no restrictions are placed on foreigners voting in Japan, cannot be accepted as it is at complete variance with "The Civil Code of Japan" which has already been quoted. Professor Hayakawa failed to make mention of the numerous and varied prohibitions in effect in Japan which mitigate against aliens or foreigners, so-called, in matters such as ownership of land, restrictions in regard to private rights, etc. and as to "public rights," why they just haven't any in Japan (See "The Civil Code of Japan" W. J. Sebald's translation).

In answer to a question Professor Hayakawa stated he did not know just how many Canadian-born Japanese went back each year to Japan to comply with Japanese military regulations. It is not denied that numbers do go back each year to Japan for this purpose and to quote again from Japanese authorities, in speaking about expatriation of Japanese, they have this to say:—

> It may be noted that those American or Canadian-born Japanese boys not yet expatriated are still technically liable to the Japanese conscription law, so that the crux of "double nationality" question remains unsolved, as is also the case with the Prussian or French boys born in America. (Japan-Manchoukuo Year Book, 1937) at page 46.

In answer to statements made by Dr. Hayakawa in connection with economic difficulties which it is claimed are experienced by the Japanese resident in British Columbia, it is only fair to say that any such statement would not be taken seriously by the people of British Columbia, and it is extremely doubtful if any mention would have been made of this matter if the appeal were to the Province of British Columbia instead of to a Committee of the House of Commons, located at Ottawa. That they have prospered and done exceedingly well in this country cannot be denied. Their natural industry and aptitude in adapting themselves to new conditions (which qualities we all admire) coupled with the fact that owing to their lower standards of living, etc., they are able to more successfully compete against our own Canadian people, has enabled them to in large measure not only prosper, but also to supersede Canadians and gradually obtain control in many lines of economic endeavour.

The splendid opportunities and economic advantages which the Japanese have received and obtained in Canada are in striking contrast to the policy of Japan itself, which by Imperial ordinances precludes the entry to Japan of cheaper labour, such as the Chinese and Koreans. It is true perhaps that the exclusion of these two races of people was necessary to protect Japanese labour, as it is well known that they could not successfully compete against Chinese or Korean labour on account of the lower standard of living of the Chinese or Koreans. It is of little use now, however, for Canada to regret that at the outset some such like action was not taken to protect our own people from the competition of the cheaper labour from oriental countries, but the fact that Canada did not do so, is no reason now why we should repeat what is now generally recognized was a grave mistake of economic policy on our part.

Provincial governments of all shades of political opinion have at various times endeavoured to grapple with the problem of Oriental economic activities in that Province. One aspect of the Oriental problem in British Columbia has been recently brought to the attention of the public in that Province. At a largely attended representative gathering of farmers held on February 23, 1937, in the town of Cloverdale, close to the city of New Westminster, a demand was made to the Provincial Government, asking that a Royal Commission be appointed to investigate the actions and activities of Chinese vegetable growers, wholesale, and commission houses who, it is authoritatively stated, are in complete control of the sale of all vegetables, and who seem to act at variance with control laws as to marketing, etc. and in open defiance of Provincial Statutes in effect in that Province.

A complete Provincial survey was made in British Columbia in 1927 and in that year disclosed to what extent economic Oriental penetration had then been reached in the Province. In view of the seriousness of the problem at that time, which has become more serious since then, the Provincial Government of that day caused a humble address to be presented to His Honour the Lieutenant Governor, praying that copies of the report be sent to the Governor General and to the Dominion Parliament at Ottawa. The following extracts are given from that report:—

Page 4. The facts assembled by the Bureau of Provincial Information from official sources bring out the following, among other, phases of the situation.

(1) That at the beginning of 1927 the Oriental population of the Province is at least 46,500 or, in other words, 1 in every 12 persons.

(2) That the Japanese birth-rate is 40 per 1,000, as compared with a general birth-rate of all races, except native Indians, of 18 per 1,000.

(3) That the increase in the Japanese population through the excess of births over deaths is greater by more than 2 to 1 than the immigration of that race.

(4) That the arrivals of Japanese women have greatly outnumbered the arrivals of men for several years past, and that at the present time two women come in for every man that enters.
(5) That of the Oriental arrivals in Canada for the past twenty years British Columbia got 80 per cent of the Chinese, over 98 per cent of the Japanese, and nearly 99 per cent of the Hindus.
(6) That Orientals own land and improved property in British Columbia to an aggregate value of $10,491,250 and lease property valued at $1,099,500.
(7) That over 11,300 Orientals are employed in industries of the Province, and that, for instance, while the proportion employed in the lumbering industry generally has been reduced to 20 per cent, there are between 30 and 40 per cent employed in saw and planing mills and close on 50 per cent in shingle mills.
(8) That in 1925 there were 3,231 Asiatics carrying on in licensed trades and callings, and that in the cities they constitute an incredibly large percentage of the total number of licensees in some callings.
(9) That in three years the number of Japanese children in the public schools has increased by 74 per cent, while in the same time the number of white children has increased by 6 per cent.
(10) That in the fishing industry, upon which the Orientals appeared to have a strangle-hold a few years ago, the policy of a gradual reduction in the number of licences allowed to them is bringing the industry back into the hands of white and native Indian fishermen.

The statistical branch of the department of Agriculture brings out the following facts regarding the Oriental in agriculture:

(1) That in the four years from 1921 to 1925 the acreage of land owned by Orientals increased by approximately 5,000 acres and the land leased by approximately 1,500 acres.
(2) That of the acreage in small fruits at the present time the proportion held by Oriental growers is 30·6 per cent, while in number they constitute but one-seventh of the growers, the holdings average 1½ acres to each white grower and 4 acres to each Oriental grower.
(3) That with the development of production under glass,which has been quite marked of late years, the Oriental is more and more increasing his hold on this branch of the industry; that where in 1923 he constituted 9 per cent of growers with 28 per cent of glass area, in 1925 he constituted 13 per cent of growers with 37 per cent of glass area.
(4) That while the total increase in glass area between the 1923 and 1925 greenhouse surveys was 22 per cent, the increase in white operation was but 8 per cent and the increase in Oriental operation 58 per cent.
(5) That the handling of produce and garden-truck by peddlers or hucksters is almost entirely in the hands of Chinese, and that the same applies to the sale of vegetables in stores, to the extent of 91 per cent in one city.

The following is also taken from the report:

> There has always been a certain amount of difficulty in securing registrations of Oriental births, and there is some ground for the suspicion that even yet, with the greatest vigilance on the part of officials of the Provincial Board of Health, there are births which are not reported. Comparison of a series of the reports by the Registrar of Vital Statistics will show that a number of births, chiefly of Orientals, are not registered until years after. The figures of actual births for the years given in the statement are subject to addition every year hereafter as further births in the several years are registered.

The following table is from the report of the Economic Council of British Columbia on the total number of Orientals employed in the labour market in 1931 and issued September, 1935, under authority of the Provincial Government of British Columbia:

ORIENTALS, 10 YEARS OF AGE AND OVER, GAINFULLY EMPLOYED IN BRITISH COLUMBIA, 1931

Occupation	Chinese	Japanese
Agriculture	4,193	1,513
Fishermen	18	1,464
Logging	653	599
Coal mining	307	62
Other mining	84	39
Vegetable products	25	14
Animal products	400	76
Textile goods and apparel	203	128
Wood products	150	230
Pulp and paper, paper products	1	131
Printing, publishing and bookbinding	32	21
Metals (not electroplate or precious metals)	42	82
Precious metals and electroplate	7	1
Non-metallic mineral products	18	6
Chemical processes and paint makers	11	20
Miscellaneous products	2	2
Electric light and power production	45	49
Building and construction	37	181
Transportation and communication	470	238
Warehousing and storage	81	17
Commercial	1,841	419
Finance, insurance	16	15
Public administration and defence	4	3
Professional	78	88
Entertainment and sport	22	19
Personal	5,182	839
Laundry workers, cleaners, dyers, pressers	749	50
Clerical	124	103
Unspecified	....	2
Labourers and unskilled workers (not agricultural, mining or logging)	8,203	1,441
Hunting	1	....
Grand total—30,851	22,999	7,852

It is interesting to compare the totals of Orientals employed in industry in British Columbia in the year 1927 with the greatly increased numbers employed, and as given, in 1935. This answers completely and effectively any statements made by the Japanese either personally or in their Brief regarding any economic disadvantage which they say exists to those of their race in British Columbia and disproves entirely such contention that any discrimination exists. Orientals in the Province of British Columbia have to quite a remarkable extent displaced Canadian labour in many fields and have been able to do so largely on account of the fact that their lower standards of living enable them to work for less and which fact has given them considerable preference.

In conclusion it should be pointed out that the submissions contained are presented in rebuttal to the Brief presented to the Special Committee on Elections and Franchise in 1936 on behalf of the Japanese Canadian League, and are not in any way actuated by any personal animus to either those of Chinese or Japanese origin or birth.

It should again be reiterated that the granting of the franchise in Dominion elections to Japanese in British Columbia would be but the thin end of the wedge which would be used to compel the granting of the franchise in British Columbia to all unassimilable races at provincial elections, and if the Japanese in British Columbia were granted this privilege, what about the Chinese and likewise the Hindus who are British subjects before coming to Canada. In that event could the franchise very well be denied the other Asiatic races in the province and what particular reason is there to suppose that the Japanese alone should be specially favoured? When the time ever comes that the people of

British Columbia themselves decide to grant the franchise to all those of Oriental birth or origin at provincial elections it will be time enough for the Dominion Parliament to seriously consider the question of allowing the franchise to those of Oriental birth or origin at Dominion elections in British Columbia, and we trust that day is quite a long way off yet.

The Oriental question in Canada, being primarily a British Columbia question, it is respectfully requested that the Dominion Parliament would be well advised to continue to co-operate with the people of British Columbia, who by the statutes of that province, preclude from voting all those of Oriental birth or origin.

Mr. Chairman, that is my submission in reply to the Japanese submission. I do not think I need add anything further.

By Mr. Heaps:

Q. Would you mind looking up that point referred to earlier in your brief about the census?—A. The figure is 23,342 in 1931.

Q. In 1935 the estimate is over 30,000?—A. Yes.

By Hon. Mr. Stewart:

Q. Does that figure refer to British Columbia or Canada as a whole?—A. The 23,000 is in Canada. We consider that 90 per cent of all Japanese are resident in British Columbia; so we claim that even from the official statistics the Japanese are 50 per cent below the actual number of Japanese resident in the province.

The ACTING CHAIRMAN: Now, there are some members of the committee who are not here to-day who would like to discuss this matter; and at the beginning of our meeting I suggested that we might hear the brief and have it put on the record so that the members can read it, and then at our next meeting questions can be asked.

The WITNESS: It will also allow Mr. Neill, who is in the Fisheries committee to-day, an opportunity to appear. He would like to make some submissions. In the meantime, the members of the committee could look over the brief and ask their questions at our next meeting.

The committee adjourned to the call of the chair.

HOUSE OF COMMONS, ROOM 429,

March 16, 1937.

The Special Committee on Elections and Franchise Acts met at 11 o'clock, Mr. Bothwell the chairman, presided.

The CHAIRMAN: Gentlemen, at our last meeting the committee heard Mr. Reid, and at the conclusion of that meeting the remarks of the acting chairman, Mr. Glen, were: "Now, there are some members of the committee who are not here to-day who would like to discuss this matter; and at the beginning of our meeting I suggested that we might hear the brief and have it put on the record so that the members can read it, and then at our next meeting questions can be asked." Then Mr. Reid, who was the witness of that occasion, stated: "It will also allow Mr. Neill, who is in the Fisheries committee to-day an opportunity to appear. He would like to make some submissions. In the meantime, the members of the committee could look over the brief and ask their questions at our next meeting."

I have discussed the matter with Mr. Reid, and unless members of the committee have immediate questions which they desire to ask him, we might hear Mr. Neill this morning and, possibly, his remarks will clear up some of the matters that may be in your mind to ask Mr. Reid. Following we can have an interrogation of both of these members. I will ask Mr. Neill to proceed with his presentation.

Mr. A. W. NEILL, called.

The WITNESS: Mr. Chairman and gentlemen, I must apologize for the fact that my remarks will be somewhat disconnected. I got it into my head that this matter was not to come up until next year, and I left a lot of my material at home and I have not had time recently to prepare a proper statement. I also have done an injustice to a gentleman called Mr. Hope of Vancouver who is either president or secretary of a body called the White Canada Research Committee, and he has expressed his desire not only to submit a brief in reply to that of Mr. Norris but also to appear here personally. I wrote to him yesterday and asked him to forward his brief as soon as possible.

Now, I have read Mr. Reid's brief, and it is an excellent one. It will not be necessary for me to repeat any of his remarks, but I shall try, in the course of my disconnected remarks, to add something that probably he did not cover. However, the fact that I may ignore what he said does not mean that I do not agree; it is simply unnecessary that I should repeat any of it.

The question of oriental votes in British Columbia arose from a brief prepared by Mr. Norris, and in future when I use the word "brief" I shall mean that document prepared by Mr. Norris, K.C. Apart from that, there are the arguments made by the witnesses. In my judgment they somewhat contradict each other. If from the brief and the statements one subtracts the legal quibbling, on the one hand, and the sob stuff and claptrap, on the other, there is not so much left to answer. Still, they have a plausible sound, and it is the duty of those of us from British Columbia who are acquainted with the facts to put them before you.

The delegates who appeared before this committee last year presented no credentials that I saw. I was not a member of the committee. They said that they were delegates of the Canadian Japanese Citizens League which came

into being, according to page 204 of their evidence last year on April 13th, which was about a month before they left for Ottawa; and I suggest it was a rather hurriedly got together body to furnish a background for their self-appointed mission. Now, the delegation and the brief curiously enough asked for two different things. The delegation asked for votes for Canadian born Japs only; the brief asks for votes for all orientals, two totally different things. We will begin with the brief composed of sixty-two large pages. It begins with one prayer or demand and ends with another and contains the information that it is submitted on behalf of the Japanese Canadian Citizens' League representing British born subjects of the Japanese race residing in the province of British Columbia. The next sentence is: "This submission has reference to the provisions of the Dominion Franchise Act, 1934, under which British subjects of the Japanese race are disqualified from voting"—not Canadian born, but just British subjects. Then he gives the section which he wants struck out. It is subsection 11, section 4 of the Franchise Act and reads as follows:—

Subject to subsection 2 of this section, every person....."

These are among the people who shall not be able to vote—

> .....every person who is disqualified by reason of race from voting at an election of a member of the legislature assembly of the province in which he or she resides and who did not service in the military, naval or air forces of Canada in the war of 1914-1918.

Then on page 42 of his brief he ends up thus:—

> For the reasons stated it is respectfully submitted that clause 11 section 4 of the Dominion Franchise Act, 1934, and amending acts should be repealed.

That is his demand, that is his prayer, and that means granting votes to all orientals of whatever character in British Columbia, because the repeal of that section would mean that. He has forgotten the delegations request to let it be confined to Canadian born Japanese, and he asks that the whole section be repealed. Being a lawyer, I suppose he saw that he could not possibly have the discrimination that the delegates asked for, and therefore he asked that the whole section be struck out.

So, let us consider hereafter not as to whether we should give votes to Japanese Canadian born but to all orientals in Canada or British Columbia, because that is what the brief asks for, and that is what the logical declaration is.

Mr. GLEN: That was not their presentation; their presentation was that Canadian born Japanese only were entitled to vote.

The WITNESS: That was the delegation's statement, yes, but they produced this brief—that was their bible—they said they paid for this brief and I suppose the brief represents their views from the legal point of view: their own brief, provided by a lawyer, asks that the whole thing be stricken out.

The CHAIRMAN: I might say that the delegation which came down from British Columbia brought this brief with them and distributed it to the various members of the committee.

Mr. GLEN: I do not wish Mr. Neill to depart from the presentation which was made by the Japanese delegates and which was simply asking for votes for Canadian born Japanese. As far as other orientals were concerned, that was not a feature of the matter with them. Mr. Reid's brief dealt entirely with the representations made by the delegation and that, I think, is the subject matter before the committee.

The WITNESS: Mr. Reid's brief also dealt, surely, with Mr. Norris' brief, and Mr. Norris' brief was presented by these delegates. They committed themselves to it.

The CHAIRMAN: I think under the submission we have to consider all phases of the situation: whether we as a committee decide to recommend to the government that Canadian citizens of Japanese origin should be entitled to vote and also whether all orientals should be entitled to vote; because we have to deal with the Franchise Act and of amending acts. Therefore, the whole matter is referred to the committee, and Mr. Neill can present his case in answer to both questions—the submission of the delegation and the brief of Mr. Norris.

Mr. REID: I think while what Mr. Neill says is quite correct, the point brought out by Mr. Glen is also correct, and that the brief deals entirely with the oriental point of view.

The WITNESS: The delegates cannot divorce themselves from the brief. They brought down the brief and they said, "here is our legal—

The CHAIRMAN: You yourself in making your submission could confine yourself to what the brief contains dealing with all orientals; so far as the committee is concerned they will have to deal with the different countries.

The WITNESS: Yes, I want to deal with both.

Mr. GLEN: Do not misunderstand me. I am not suggesting that you should not deal with that matter; I was suggesting that what the committee were faced with is the presentation made by the Japanese delegates and not by the Chinese at all, and as a committee we would have to refer to Mr. Reid's brief and to your own remarks so far as the Japanese are concerned, and later with the orientals.

The WITNESS: The delegates referred repeatedly to the brief. They said, "That will be found in our brief submitted by Mr. Norris." You cannot dissociate these things. They repeatedly said, "You will find the information in our brief." I propose running over Mr. Norris' brief and then I will deal with the statements of the delegation. On page 3 he talks about British Columbia being the only province where these restrictions are imposed. If you stick to the Japanese, yes; if you stick to all orientals, no. Mr. Reid pointed out that they are restricted in Saskatchewan.

On page 3 of Mr. Norris' brief I find the following:—

> That the present provincial disqualification of Japanese on the ground of race is the result of a misconception of the intention of the original legislation.

I submit that that borders on audacity. Here is legislation brought in in 1875 and strengthened in 1895 and re-inserted in every revision of the Franchise Act of British Columbia since then and he tells us that it is due to a misconception and that we did not know what we were doing . I wonder who is the best judge of that. I point out that from 1933 to 1936 in the local legislature the opposition was composed of a number of members of the C.F.F. party who pledged their vote to orientals, and there is no evidence that they at any time made any move toward putting their views before the legislature; they were not in power, but they could have introduced an ordinary resolution, and they did not do that.

Why do these delegates not go to the British Columbie legislature? On page 216 of the evidence, No. 10, of May 22, 1936, I asked this question of Professor Hayakawa:—

> Why do you not begin in British Columbia? British Columbia is the place which puts the exception on; why do you not agitate there?

And Professor Hayakawa replied:—

"We have been agitating there for years, sir." And I said: "With any success?" And he said: "No, of course not. We are protesting again here."

He was fully aware that it was absolutely useless, and that is why he uses the words " of course "—he was aware that it was no use going to British Columbia because they would be still more definite in their refusal than we would be.

On page 4 of Mr. Norris' brief we find the following language:—

> That the provisions of the clause tend to the creation and maintenance of an economic minority—a minority which, if deprived of the franchise, will not be assimilated into the life of Canada and living under a sense of oppression, will eventually become a source of difficulty.

I wonder if one might ask what an economic minority is. The definition of the word " economic " according to the dictionary is to maintain for the sake of profit or for the production of wealth or pertaining to industrial concerns. I can understand minority superiority or minority inferiority or even oppressed minority, but I frankly do not know what an economic minority is. I will deal with the assimilation evidence a little later on.

Then we find the statement made:—

> That the provisions of the clause are unconstitutional and contrary to law.

Now, I will deal with that later on and go into it in more detail; but I will point out that the Japanese are fully and entirely alive to their opportunities and privileges under common law. I will cite later a few cases where they went to the Privy Council in defence of what they conceived to be their rights. They are not an oppressed people who do not know the law.

On page 5 we find these words:—

> It was not until the year 1895 that the provision which excluded Chinese or Indians from voting was extended to include Japanese.

That is true. On page 213 of the evidence of last year, Mr. MacNicol asked Professor Hayakawa whether the Japanese had at one time the right to vote in British Columbia, and the witness replied:" They never had because the discriminations against them were put in force before they came, as against the Chinese. You see, it was not until 1884 that the Japanese started to come."

Then there is a question by Mr. Neill:—

> They came with the full knowledge of the restrictions?

And the answer is, "yes."

So they came there with the full knowledge of what conditions they were going to live under. If I were running a boarding house and I took in a man and gave him a year's lease of a room on condition that he did not drink or smoke and if after he had been there for a few weeks he did these things and broke the conditions under which he came into my house and I protested against his actions and explained the conditions, suppose he replied, "I am a British subject and I have a right to drink and smoke; the law allows me to drink and to buy tobacco; you are oppressing me"—that would be the same sort of comparison. They came to this country with the full knowledge that they would not be allowed to vote. The next six or seven pages are taken up with a feeble attempt to prove that the orientals were really not excluded by the Dominion Franchise Act before 1919—that is mere quibble, and I will not waste time going into it. They were prevented from voting before 1919, not by a specific section of the Dominion Act, but they were prevented by the fact that they used the same provincial list. Then, we find him saying that the provincial disqualification of Japanese is the result of a misconception. The misconception began in 1875, and that is sixty-two years ago. You would think that we in British Columbia would have found out about this misconception of ours before now.

Later on, on page 9, he speaks of classification and says, "Yet the classification is stubbornly maintained." It must be plain to this committee that there must be some reason for that.

Then we find him saying on page 10 that "the Japanese who have come to Canada and the native born Japanese are not of the lower class which usually is the vanguard of immigration from any country. . ." Well, that is a kind of slur on some of us who happen to come from other countries. I have been in British Columbia forty-one years, and I suppose I might be considered to be of the vanguard of immigration, but I do not wish to be termed as being of a lower class. It rather suggests a slur on the parents of a good many members of this committee who came here from other countries.

On page 11 he says that in 1919 the legislation was panic legislation caused by the fear of persons residing in British Columbia that, because of post-war depression there would not be sufficient employment for British citizens of the white race. I do not know how conditions were in the east, but 1919 and 1920 were our most prosperous years in British Columbia. Money was easy. We were making money all around, and those were boom years. It certainly was not because of any panic in 1919 or because of any panic stricken feeling in British Columbia. That is nonsense. He said it was largely instituted by the trade unions. That is also nonsense. He refers to "blind panic of unreason" and later on he says at the bottom of page 11: "Had there been real justification for legislation of this sort to protect industry it would have been applied as well to naturalized foreigners and native born Canadians of central European descent, of which there are large numbers in the country." The reason that we did not make that "panic legislation" apply to the descendants of or the people from European nations—as we would have done if there had been blind panic—is because we knew that these European people were assimilatable and we knew that the orientals were not. That contradicts Mr. Norris' statement. If there had been "blind panic of unreason" or because of labour unions we would have made it apply to others than Japanese. The fact that we did not show it was because we believed the Japs to be utterly and entirely unassimilable.

On page 13 he talks about "British subjects of one province are singled out for disqualification." It is not one province only; the same is true of Saskatchewan. The answer in regard to other provinces is that the issue does not arise. Suppose I were to introduce a bill in the house this afternoon that people of the Polynesian race were not to sit in the house or that Kanakas were not to be allowed to vote, would the answer not be that such legislation is not needed? That is the reason why there was not similar legislation passed in other provinces until Saskatchewan awoke to the situation. They began to feel a little twinge when oriental immigration started to take place, whereas the other provinces did not. How many Japanese or Chinese are there in Quebec or Ontario? Surely there are not sufficient to raise an issue.

Mr. MacNicol: Do the Japanese vote in Saskatchewan?

The Witness: He votes but not the Chinese. There were no Japanese at that time. I quote from the middle of page 13 as follows: "The intention of the Federationists is made clear if reference be had to the parliamentary debates on confederation. At page 99 the Honourable George Brown, the great Liberal leader, said in speaking of the union of the provinces: So and so." Well that would be in the year 1866 or 1867, as it was prior to confederation. That is 71 years ago. British Columbia was not known then, was not a part of Canada. There were no Chinamen in British Columbia at that time. It would be as sensible to quote George Brown in the consideration of aviation to-day as it would be to quote George Brown in 1867 on the Japanese situation in British Columbia. It had not arisen and was never thought of.

Then on page 14 of the brief we find the following:—

> The provisions of the clause tend to the creation and maintenance of an economic minority—a minority which, if deprived of the franchise, will not be assimilated—

That is the whole crux of the situation—

> —will not be assimilated into the life of Canada and living under a sense of oppression, will eventually become a source of difficulty.

These naturalized Japanese are not Canadians. They entered Canada for what there was in it for them. They took their oath of allegiance to King George or King Edward with their tongues in their cheeks. They do not want to be assimilated. This is shown in every line and issue of their pamphlets of propaganda that I could refer to if I had time. I think I should quote now a page or two of evidence that was taken before the British Columbia Fisheries Commission of 1922 up in the north. I put these questions to a Japanese witness: I asked him what he thought about this. I want to quote from a brief prepared for the United States government in connection with the situation in California. These are the questions and answers as contained in that brief:—

> Perfect assimilation can only be had through intermarriage. This is impracticable for three main reasons. (*a*) Principle enunciated by biologists is to the effect that intermarriage between races wholly different in characteristics does not perpetuate the good qualities of either race. (*b*) A natural pride of race on each side acts as bars against intermarriage. Even in Hawaii where there is every encouragement for inter-racial admixture, the Japanese have maintained racial purity far beyond that of any other nation, and to an extraordinary degree. (*See* report to Educational Department at Washington.) (*c*) Another bar of assimilation by marriage is the practical deprivation of social status suffered thereby on both sides of the Pacific. Language, hereditary, religion and ideals and the law and policy of Japan all prevent even sociological assimilation of Japanese. There is no desire save in a few cases for assimilation on the part of Japanese in this country.
>
> The Japanese pride of race prevents assimilation. They are taught that theirs is the greatest race on the face of the earth, the only one which has a god for its ruler, and it is designed to conquer all nations on the globe. They have been taught that their nationality can be best protected if they refuse to permit themselves to be assimilated by foreign nations. The government of Japan does not encourage or even permit the assimilation of Japanese by foreign nations, Japan claims as her citizens and bound to obey her, to do her will, and to use their position here for her purposes, all the Japanese in the United States, whether immigrants or American born (Upwards of 290,000). With the exception of sixty-four to whom she has granted the right of expatriation.

And I added this: "Almost the whole of the above quotations are from Japanese authorities, professors, etc."

The CHAIRMAN: That quotation is from what?

The WITNESS: From a brief that was prepared in regard to the presentation to the United States government in connection with somewhat similar conditions which then prevailed in California. To deal with these gentlemen that appeared before us. The question of assimilation rests on intermarriage. You cannot have it without marriage, and you cannot have marriage because neither one of the parties wants it, nor is it desirable. I should like to quote from the Vancouver Evening Sun of May 18, 1925. The quotation is contained in an editorial of that issue, and is as follows:—

—to cross an individual of a white race with an individual of a yellow race is to produce, in nine cases out of ten, a mongrel wastrel with the worst qualities of both races. The breeding of white and yellow can only be accomplished at the cost of sacrificing the fine features of both white and yellow civilization.

Mr. GLEN: I wonder what authority he has for that strong statement.

The WITNESS: Let us now take the gentlemen that were down here at the last session. Mr. Banno was a dentist, and was very prominent in the presentation. On page 215 of the evidence of last year I asked him these questions:—

In the last fifteen years how many marriages have there been between whites and the Japanese?

Dr. BANNO: I am not personally acquainted with any.

Dr. Banno came here to present their case. He was thoroughly familiar with it. He is well known in Vancouver as being a very earnest and prominent pro-Japanese. Would it not have been his object, if he could possibly have done it, to find one marriage, to have said, "Yes, intermarriage has begun; assimilation will go forward, if you give us time." He has lived there all his life and this is what he said:—

I am not personally acquainted with any.

That is why we cannot assimilate. This is how it has been put to me: Why do you take that attitude in regard to the Japanese? Why don't you take the same attitude in regard to the Swede, the German and the Norwegian? The reason is we welcome the Swede and the German and the Dutchman. We know that the Nordic races from the countries to the north will assimilate. We know that the further north you go the more virile the race is, and we know that a man who comes here and calls himself Johansen will in a short time call himself Johnson, and his daughter marries our son, and we are not ashamed, not unwilling that he should do so, because he naturally strengthens our Canadian race. We know that could never happen with the Japanese. They do not want us to assimilate with them, and they do not want to assimilate with us. Here is a man who has lived all his life in Vancouver telling us he has never heard of a single marriage of a Japanese with a white; and I should be very sorry to hear of one, too.

Then on page 15 of the brief he quotes other rights that the Japanese are denied in British Columbia. He lists them as follows:—

(1) Elected to the provincial legislature.
(2) Elected to municipal office.
(3) Elected as school trustees.
(4) Selected for jury service.
(5) Lawyers.
(6) Druggists.
(7) Hand loggers.
(8) Employed in the public service save as specialists.
(9) Employed on public works.
(10) Employed by any buyer of crown timber for logging such timber.

He says that these restrictions are there. They are there, and have been there for some time. Successive governments and successive parties undergo changes from time to time; but they have all seen fit to keep it up. Mr. Norris tells us that is due to a misunderstanding that occurred away back in 1875. I want to draw attention to the restriction in regard to druggists, and lawyers. They are not restricted from being lawyers and druggists by legislation at all. A Japanese can be a lawyer or a druggist according to law; but they are restricted

by regulations made by the Law Society, and the Association of Pharmacists. They put restrictions into the regulations which prevent these people from either being a lawyer or a pharmacist. They put in a clause which stated that in order to qualify for these professions they must be on the voters' lists. I wonder if Mr. Norris, who I presume is prominent in the Law Society of Vancouver, has ever suggested the removal of the restriction. He does not need to write a brief or come here to do it. He can get that regulation struck out of the Law Society regulations, and these people would be qualified. Suppose we did change the law; suppose we did give them the vote—there is no need to change the law at all because the law does not forbid them—do you think the Law Society and the pharmacists would not simply change their regulation accordingly, and would not allow them to be lawyers or druggists any more than now? Because if we amend the law they could use some other phrase which would have the same effect of keeping them out.

On page 16 of the brief we find the following:

> As a result of these discriminations there arises an unconscious—" I should think it must be unconscious—"—almost natural discrimination against the Japanese in their everyday life and as a result they find it much more difficult to find employment with white people.

That is, I should think, probably an instance of No. 1 piffle, because the very reverse is the case. I am willing to gamble that for every case they can cite where there is a white man working for a Japanese I can cite fifty cases where there are Japanese working for white men. The restriction is not against the Japanese but against the white man. If you came to British Columbia you could not find more than four or five cases of white men working for Japanese. Then, it would be in some illicit relation in which they were taking advantage of the fact the white man could get a licence for some fish plant and the Japanese could not. Japanese money would be behind the white man. That is well known in British Columbia If there are any cases of white men working for Japanese you will find that the situation is as I have indicated, and the Japanese money is behind them. I submit that the statement is wholly untrue, wholly ridiculous. Then, the brief goes on to say that the Japanese are naturally law-abiding. I think that is true. But Mr. Norris says he wants to do away with the whole restrictions, and that applies to Chinamen as well. They are law-abiding in a sense, but in another sense they are very far from that. I should like you to ask Mr. Ilsley, or the Department of National Revenue what kind of an army they employ in British Columbia to try to handle the drug traffic. When oriental ships come in there they have to put on several crews of watchmen twenty-four hours a day to watch the ships to prevent smuggling of drugs—you can put enough of the drug in your vest pocket to make a fortune—the demand is so extreme for the drug by the drug eating Chinamen in British Columbia. It is necessary to keep up a whole army. We do not see the things that go on there. We only live on the surface. How many unsolved Chinese murders are there in British Columbia? Is not the attitude taken that a dead Chinaman more or less does not matter? We do not bother asking very much about the murder unless it was done in the open in one of the Tong wars—and we hardly know what "Tong" means anyway. I am afraid there is a certain amount of truth in the statement sometimes made that when the white man's law demands a victim, the victim is supplied regardless of whether he is the murderer or not. That sort of thing is all too common. We don't know what is going on underneath. We are living on the top of civilization and do not know what is going on. I have a friend who is familiar with the Japanese language who told me that he went into the courts in Vancouver and heard a Japanese interpreter—the interpreters are always Japanese—bargaining with the accused as to what he would

pay him if he would get him off by misinterpreting the evidence. That is a fact. We are living on a volcano, and we do not know just exactly when it is going to blow up. I may say in regard to the Chinese that they are dying off and that condition will disappear through the process of time.

On page 18 he again goes back to this topic about how inferior the early pioneers are. He says: "How can the people of Canada refuse those of them who have become our citizens merely on the ground of race when illiterate subnormals of the Caucasian race are granted the privilege." Well, if we are as bad as that we are doing them a kindness in not asking them to live with us. How did a lot of these people who got that privilege get it? Mr. Reid told you the other day that it was a common thing at one time to have fake naturalization papers. You could buy them. It is being checked now; but it was a common thing to pass around naturalization papers and the fishery certificates, fishery licences, from one to the other. A Japanese fisherman never died. He passed the certificate over to someone else. It was not uncommon. It has been known, and in the investigation on the northwest coast made by our own officials it was found that a lad of twenty or twenty-five had a Japanese fishery licence, and the papers called for a man of fifty. The fifty-year old man had gone home to Japan and he had sold his fishery licence to the younger man.

By Mr. MacNicol:

Q. Does that apply to China as well?—A. Both, but to a less extent as to Chinese. I shall not quote from the evidence that I quoted from some time ago. Some of you remember Mr. MacQuarrie, now Judge MacQuarrie, who questioned Mr. Hozumi Yonemura the assistant secretary of the Japanese Association. This gentleman was to put forward their views, and he did. He was asked about assimilation, and he circled around it. He was asked if he did not wish to keep their blood pure, and this is his reply:—

"It has been encouraged in some places."

Then, in regard to the licence business, Mr. MacQuarrie asked these questions:—

Q. Were you born in this country?—A. No, sir.

Q. When did you come to the country?—A. 1911.

Q. You were naturalized when?—A. The same year I think it was.

Q. How old are you now?—A. Twenty-one.

Q. You were naturalized in 1911. You would only be ten years old then. It seems you have to be 21 to be naturalized.—A. I have been told by my father.

Q. Was your father a citizen of this country then?—A. No.

Q. Is he here now?—A. Yes.

Q. When did he come to the country?—A. About 18 or nineteen years ago.

Q. He came here and then he sent for you?—A. Yes.

Q. Is your father naturalized?—A. No, I don't think he is.

Q. What is your father's name?—A. Koshiro Yonemura.

Q. Where does he live?—A. New Westminster.

Q. What business is he in?—A. Contractor.

Q. Have you ever become expatriated from Japan?—A. No.

Q. Have you ever made any application for expatriation?—A. I did, but I could not succeed.

Then, they asked him if he was not aware of this traffic in licences, and he said "yes." He was asked if he was aware that it was going on now, and he said "yes." Then, although it is not in the record, I remember the occasion well,

lunch time came round and Mr. MacQuarrie told the witness not to go away as he wanted to ask him some more questions as to how he came to be naturalized when only ten years old. We went to lunch, and when we came back there was no more Mr. Yonemura. We called him but he was not there. He had taken a boat and beaten it down the canal and was never heard of again in that investigation, at any rate. That is how they get around their papers.

By the Chairman:

Q. What year was that?—A. 1922.

Q. 1922?—A. 1922. That is the evidence taken at the time. Now, on page 20 of the brief Mr. Norris talks about oppressing them. This is what he says: "We continue to oppress them, we consolidate them, not under a bond of true Canadian spirit—not through loyalty to Canada—but by the bond of common suffering under oppression and with the result that we make Ishmaelites of them." Then, we come down to the old gag about the Japanese being a proud race. It has been trotted out in every discussion that I ever heard of since I have been in Canada. It is said they are proud of their traditions; but they are not too proud to get into a country that does not want them, and get in by fraud. The brief goes on to say:—

> How can we hope to maintain their goodwill when in the province of British Columbia, which lies nearest to them, we treat their people as outcasts.

Let us examine what we do know, and I now refer to delegates that we have had here. I shall refer first of all to Miss A. Hideko Hyodo. She was a teacher and had been employed for ten years in the vicinity of Vancouver, the municipality of Richmond. This anti-Japanese feeling is very strong in Vancouver, yet this girl has been employed as a teacher for almost ten years, and during a time when conditions in so far as employment were concerned were bad. Mr. Banno was a dentist. He started business in 1932 when we were at the very depth of the depression; yet he had been able to make a living in Vancouver. The other gentleman had been in the life insurance business since 1933, employed, as he said, by a large Canadian life insurance company; does that smack of oppression, or making Ishmaelites of them? Mr. Norris also refers to "the bond of common suffering under oppression." Is there not a good deal of clap-trap in all that stuff?

Now, I shall turn to page 22, where the following appears:—

> Can we expect that international good feeling will be promoted when we go to such lengths to discriminate against, and in fact oppress, a class of our citizens of the race of the dominating power on the Pacific.

Since when have the Japanese been indicated in a brief prepared by a Canadian lawyer as the dominating power on the Pacific? I thought the British and possibly United States had something to say about that. But he claims in his enthusiasm for the people who asked him to prepare this brief that the Japanese are the dominating power on the Pacific. I question that. However, I shall let that go, but I think I should let this committee know that United States have excluded Japanese entirely, they cannot go in at all except perhaps as merchants; yet we allow a certain proportion to come in every year, even from the labouring class.

By Mr. MacIntosh:

Q. Practically how many come in every year now?—A. The agreement calls for not more than 150, of whom 75 may be men and 75 women and children. I shall deal with the gentleman's agreement later on. In 1924 the United States passed an exclusion law saying that they would not have them at any price. We give them a better deal, because we allow them to come in to some extent.

By Hon. Mr. Stirling:

Q. That was a state law in California?—A. No; that was where it originated. They had no right to exclude them. It was a federal law.

Q. A federal law?—A. Yes. I could tell you a story about that but I have not time. Then, on page 23 we find the following:—

> Yet for forty years we have in the matter of the franchise treated, and continue to treat, the Japanese in British Columbia as we would treat savages and degenerates.

I shall deal with that in the other brief. On page 24 we find the following:—

> Most civilized countries do not exclude citizens from the franchise on the grounds of race. The exceptions are Canada—and there only in British Columbia—and South Africa.

Australia, New Zealand and South Africa do the same thing. I looked into that and found that as far as I could gauge it they let them vote if they are naturalized, but they get around the situation by the simple process of not letting them in, which, of course, answers the question. You cannot give a person a vote if you do not let him in. In Australia they do not let them in. White Australia is their policy. The same thing applies to New Zealand and South Africa. They adopt different methods, but we need not go into that now. The result is practically total exclusion in every case.

> Are conditions in British Columbia so vastly different from the rest of Canada and of United States?

The United States do not allow negroes to vote and we do. He did not tell us that United States do not allow any oriental to be naturalized at all. That is where we made the mistake in Canada. We should have followed United States and taken warning from them. They do not allow orientals to be naturalized at all. In United States they have a different system from what we have. If an oriental is born in United States he can vote, but no oriental can be naturalized. We gave them a better deal, but I think we made a mistake. That is where we should have drawn the line.

We now come to page 25 of the brief where he says:—

> That the provisions of clause (XI) are unconstitutional and contrary to the law.

The next seven pages of the brief are devoted to the argument that it is unconstitutional. I shall quote one or two sentences on page 28 as follows:—

> It will be shown later that there are no provisions of the British North America Act which give the Dominion parliament power to pass a franchise law.

Then, Mr. Chairman, what are you doing here? You are discussing the merits of the franchise law, yet Mr. Norris says he is going to show there is no provision in the British North America Act which gives parliament that power. I think you should disband right now if his argument is correct. His argument shows the length to which he will go. I am not quoting half a sentence, or using any tricks of that kind. Then, on page 30 he says:—

> That the words "until the parliament of Canada otherwise provides"—

I imagine that is a quotation from the B.N.A. Act—

> do not give any substantive power to the parliament of Canada to pass election laws.

It is just too bad if Canada has not the power. Then, we turn to page 37.

By the Chairman:

Q. How does he think we can improve it then by admitting these people to vote?—A. I don't know. As I say, we ought to disband. I do not know what right we have to sit here if we have no power to pass a franchise act. Later on he uses an argument which I need not quote because it is not pertinent to the subject. But he uses these words:—

> They are in effect an abdication of the powers of parliament.

That is too bad.

Then, I turn to page 39 of the brief where I find the following:—

> The refusal cannot be supported in law.

That is the conclusion of all the pages I have skipped over. Do you not think it has not been tried, Mr. Chairman? Let me quote the case of Tomey Homma who was a naturalized British subject. He applied to the registrar in Vancouver to get his name on the voters' list. The registrar strictly forbidden by law by the pertinent section refusing any Chinaman or Japanese or Indian the right to vote, refused to add his name. Tomey Homma took it to the various courts and finally landed at the Privy Council. The Privy Council discussed it in the usual way and it was summed up as follows:—

> It is the provincial, and not the dominion, legislature which has power to regulate the electoral law of the province, and to decide whether the respondent, naturalized by force of the dominion act, shall have a right to vote at the elections of members to serve in the provincial legislature. Such a right is not inherent in the respondent either as British born or as a naturalized British subject. It is a right and privilege which belongs only to those classes of British subjects upon whom the provincial legislature has conferred it.

That is to say, the people of British Columbia can exclude anybody.

By the Chairman:

Q. From what are you quoting?—A. The Law Reports of 1903, page 151. Tomey Homma was, of course, backed by his government in Japan, and he took it right to the Privy Council, and he was turned down. This is not the only time the effort has been made. It was done some years ago.

By Mr. Glen:

Q. You say he was financed by the Japanese government?—A. No, I should not say that. But I should say how could a poor working fisherman go to the Privy Council unless he was financed by somebody? I will take it back that he was financed by the Japanese government. I would infer that he was financed by some one who was interested in the Japanese, because it was a test case. That is all I can say. I thank you for the correction because I do not want to say anything to harm anyone. Some years ago we in British Columbia driven by the force of economic necessity, not economic minority, tried to exclude some of the orientals from the fishery industry over which they had gained almost complete control during the war. I was very forward in doing it, and we got substantial restrictions imposed, forty per cent one year, fifteen per cent another year, ten per cent another year, and so on. That quota is still maintained in spite of the fact the Japanese have tried every method of defeating the measure.

By the Chairman:

Q. Just what do you mean by forty per cent and fifteen per cent?—A. There was a forty per cent cut in all licences that were held. If they had ten

thousand licences one year they would get six thousand the following year. Then, the year after that fifteen per cent would be taken off, and the following year ten per cent would be taken off and so on. They have tried the usual methods—

Mr. REID: You might explain that it is not maintained since. It was stopped. It was to continue every year until—

The WITNESS: Yes, it has not continued. It stopped. The quota is still in existence. Well, the Japanese adopted the usual methods that we in British Columbia are familiar with—I won't say more than that. Then, they went to law, took it to the courts and finally went to the Privy Council. It was held at the Privy Council that the law was wrong; they had the right, and they could not be discriminated against. They came back full of glow and success. Then, we got together and we altered the law. Mr. MacQuarrie and I got together, and we added a little clause, just four words, which met the situation and enabled us to maintain the quota, and it has been maintained. I do not want you to think that we did not feel that the decision of the Privy Council should not be treated with respect. We realize that it is the highest court in the British Empire, and its decision should be taken with great respect, but Mr. Norris seems to hold the opposite view. On page 39 Mr. Norris says that he has read a wonderful article written by a Japanese named Hayakawa. I am only going to quote two sentences. This Hayakawa is one of the delegates who appeared before the committee last year. He wrote an article which appeared in the April, 1936, number of the Dalhousie Review, and he said among other things:—

> Unimportant as dual nationality may be in actuality (it means only that when one is in Japan, the Japanese government will regard him as a subject).

He says dual nationality exists; he admits it. At page 41 of the same thing he says that some of the older generation have been urging separation from Japanese ideals, "even urging the abolition of the Japanese language schools which most Japanese Canadian children attend after their regular school hours. But the young people themselves are not too sure of the wisdom of the latter advice." I have heard it denied again and again that the Japanese children go to our public schools to get their western education and then go to the Japanese schools and are re-instructed in the language, customs, manners and religion of the race which they are supposed to have abandoned. This gentleman who gave evidence here says that some of them urged the abolition of these schools but the younger generation are not too sure of it.

Now, we come to the delegates. They speak of restricting this privilege to Canadian born Japanese; but here is this brief for which they paid, at least they say they did, and I suppose they paid a good deal for it on the basis of quantity because I am not sure of the quality—this brief and these representations were presented to a committee composed of you gentlemen who had been sitting here for days discussing the question of compulsory voting after listening to arguments pro and con on the subject in regard to a number of countries where it had been adopted with some success; because they had discovered considerable difficulty in getting people either to register or to vote without compulsion.

The CHAIRMAN: I think, Mr. Neill, at that time when they came down here we were discussing proportional representation.

The WITNESS: No, but this committee have since been considering whether or not you should compel people to vote. I am dealing with the situation that it is such a terrible calamity for these people to be deprived of the right to vote, and here we have a committee which has been considering the matter of com-

pulsory voting—whether we should not compel people to register failing to get them to do so of their own volition. I wonder if registration were left to white people how many of them would register? Would 50 per cent do so? The record shows that those who vote when left to their own initiative runs somewhere about 70 per cent; and in this case the high heavens would fall if the vote were not given to these orientals as represented by these three British Columbia self-anointed representatives of their League which they themselves say came into existence only a month before they left to come down here.

Now, they have adopted the old, old device—as old as the hills and as pitifully unsound—of arguing from the particular to the whole, of arguing from the individual to the crowd, so to speak; and, as I say, it is a very old line. It is very plausible, but very unsound. I remember it was very prominent in connection with the United States war. You will remember that the argument in favour of keeping the negroes as slaves was always trotted out. They always brought out the poor old widow whose husband was dead and she was scraping along with a couple of good negroes. She grew a little bit of cotton, and the old lady lived in peace and happiness and the negroes lived an existence comparable to the garden of Eden. The cry was if you took away the negroes what would the poor old lady do. On that they built up an argument to maintain the curse of keeping these people in slavery.

Now, here we have something similar. We bring here three people—one was born in Vancouver and was educated in the east—they are highly educated people with pleasant manners—much better than those possessed by either Mr. Reid or myself, and those exceptional people are put forward as specimens of their whole class. We are asked to look at the charming lady and the polished gentleman who make up the delegation, which they undoubtedly were. That is what they were brought here for; but they are no more representative of the population they represented than I am. They may represent a few people, but they do not represent the bulk of the people for whom they are seeking votes; they do not represent the condition of orientals, Chinamen, Japanese and East Indians. Remember again that when on page 42 they ask for the repeal of clause 11 that means the whole gate will be open and that all orientals will be given the vote. The brief strongly states that. Even taking these three on their own showing, what are they doing? Are they not asking for discrimination; are they not discriminating against Chinese?

Now, we will deal with their statements. At page 200 we find—I will not mention the witnesses by name so there will be no invidious distinctions—there is nothing personal about this—they were all very charming people—but we find these words:—

> We have come to plead the cause for the Canadian born Japanese who are disqualified. . .

Aren't they asking for discrimination against the Chinese? The Chinese, as Mr. Reid says, paid $21,000,000 to come here, which was more than the Japanese did. The Chinese paid a huge poll tax—I think that was wrong—of $21,000,000; and these people are asking us to forget them, to give them none of the privileges that they say they are entitled to and to which the Chinese are equally entitled. Is it not a fact that they discriminate recklessly and mercilessly in their own country? Do you know that when the question of excluding Japanese from Canada was raised some years ago it was proven beyond shadow of doubt—we have their own papers for it—that they exclude Koreans from Japan because, as they said, the Koreans were people of a lower class of civilization and a lower standard of living and they do not want them to compete with Japanese. They do keep the Koreans out, and I think they keep some others out.

Mr. REID: The Chinese as well.

The WITNESS: I am not sure. I know they keep the Koreans out at any rate on the grounds I have given; they do not seem to be consistent, to say the least.

On page 201 they quote these glorious and beautiful sentiments—sentiments couched in beautiful language:—

> Ours is a heritage of a venerable 2,000 year old dynasty, which claims a deep and satisfying philosophy, an artistic genius, cardinal virtues, of loyalty and filial piety and a samurai tradition. All these can be our golden gifts to the enrichment of western culture.

They might also have mentioned that their philosophy is a heathen philosophy. Could they not give us all these golden gifts without political power?

Now, the word "samurai" struck me, and I wondered what it meant, so I looked it up in the dictionary and I found the following: "Samurai: a part of a military caste in a feudal regime." In fact, the army officers. And that is the high eastern culture they are going to bring to us for our enrichment and enlightenment—a military caste under the feudal system. Is that what we want? I thought we were rather trying to get away from military caste and the feudal system of the old world, and here they are offering it to us and saying it is one of the gifts. It was the military caste that murdered the premier of Japan. I believe that is technically wrong. The murder did not come off, but he concealed himself in a maid's bedroom or some such place and escaped. Now, we hear that he is building a bomb-proof home against the military in Japan fostered and dominated by the samurai element. There is no question, it is the military element which dominates the situation in Japan to-day, and I suppose that is offered as a golden gift along with filial piety and satisfying philosophy. I do not think we want their tradition of a military caste. It is put forward as satisfying like the golden apples and going to be offered us.

At page 202 one of the Japanese delegates used these words:—

> I wish to point out...

He is kicking about being deprived of the franchise—

> ...by this I do not mean mere sustenance of life but reserve for mental, spiritual and social development.

There is only one thing I can say about that, and that is that it is claptrap.

Mr. MACNICOL: May I ask Mr. Neill to give us a definition of "piffle" and "claptrap"?

WITNESS: Here is a dictionary. I do not want to be delayed. I am sorry for Mr. MacNicol's limited knowledge, but that is not my responsibility. Now, we come to page 203. He becomes more tragic. He paints a beautiful picture of youth starting out in high hopes only to find they cannot vote, and he says:—

> The pitiful result is that youth becomes dull, sullen, unenterprising—in short "beaten from the start," the kick in life is gone.

And on page 23 of Mr. Norris' brief they are referred to as savages and degenerates. Yes, I hate to use the word "claptrap" again if I could suggest a substitute. Take those four people who came down here and have not got the vote. Would you describe them as dull, sullen and unenterprising. The women in Quebec do not have the vote. Those of us who have had the pleasure of coming under the charm of their vivacity and brilliance and charm of manner would not say that they were dull or sullen or unenterprising.

What about our people in the United States? There are thousands of Canadians over there, some of whom because of loyalty to their homes have not

become naturalized. Are they suffering any signs of depression? Are they dull and sullen. They would not be able to hold a job if they were sullen. And what about the Americans who live here—

Mr. REID: The women in Japan do not have the vote.

WITNESS: Do they not? What about the Americans who live here? Are they dull and sullen and unenterprising? When I was a young man of 21 or 22, I was not able to vote because I lived in my father's house, and there was some kind of property qualification—one had to live in a house that paid four pounds a year rent. Was I dull, sullen and unenterprising? If I was I never noticed it. Possibly that is what is the matter with me—the oppression I received in those days has darkened my whole life. Well, does not this sort of thing show the innate absurdity of the whole matter.

Again on page 204 there is reference to the Japanese Canadian Citizens' League, but I dealt with that. We will come to page 210. Someone had referred to the sum collected to bring these people here, and the answer was this:—

> I should like to be able to show you the list of contributors who have made this trip possible. Hundreds of young boys and girls, some of them even children of grade-school age, have been sacrificing ice-cream sodas and movies, and contributing their quarters and fifty cent pieces in order that we might appear before you to secure them the rights for which they are hopefully preparing themselves.

A common school child would be about, say, twelve years of age. Now, think of our own children when they were eleven or twelve, have you noticed them about that time looking hopefully forward to the time when they would be twenty-one and could vote? Have you noticed them sacrificing the money that they took out of you to go to a movie in order to send a delegate down here to ask for a vote?

Mr. MACNICOL: When we were that age we did not have movies.

The WITNESS: Well, that was a very inadequate answer, was it not, but one from the hon. gentleman's viewpoint.

Mr. MACNICOL: Claptrap likely.

The WITNESS: Let us take children older than fourteen—Canadian girls of seventeen or eighteen—don't you think they are more concerned with dancing than to putting up the money which, presumably, was paid to Mr. Norris. I presume he is an able lawyer, and I suppose he got an adequate fee. What would you suggest would be an adequate fee for that service—$500?

The CHAIRMAN: I do not know how they charge in British Columbia.

The WITNESS: If they are charged for quantity, yes, but if for quality, I am not so sure.

Then we come to page 211 where Mr. Stirling asks this question:—

> Before he leaves the stand would Dr. Hayakawa tell us what the situation is in Australia, New Zealand and South Africa, if it exists there? —A. I do not believe it exists there. I am afraid I cannot answer you satisfactorily.

He did not want to answer it. He could not answer that satisfactorily. That was true enough because they were not allowed in there. Then Mr. Cameron asked whether there were any property restrictions in Japan, and he said there was not any. However, you can take my word that there is. You cannot buy agricultural land in Japan; I believe you can buy land to build a warehouse.

Then on page 212 a question was asked by, I think, Mr. Stirling, and Dr. Banno said that Canadian Japanese are permitted to take up the professions of medicine and dentistry, but not pharmacy or law. I have already dealt with that

and pointed out that it was done by regulation, and that if we gave them the vote then they would simply change the regulation, because it is a trade union regulation.

On page 213 we have Mr. MacNicol, to whom I am pleased to give publicity, asking this question:—

> Did I understand that at one time the Japanese, either naturalized or British-born, had the right to vote in British Columbia.

And the answer was, "they never had, because the discriminations against them were put in force before they came, as against the Chinese. You see, it was not until 1884 that the Japanese started to come."

Then I asked the question:—

> They came with the full knowledge of the restrictions.

And the answer was yes.

Mr. MacNicol: Did I hear the hon. gentleman say that I asked the question to obtain some publicity?

The Witness: No. I was pleased to give the hon. member the publicity. He asked the question.

Then I come to page 218 where Dr. Hawakawa speaks about this dual business and says, "So far as the practical effects are concerned, we are Canadian citizens, and can travel on Canadian passports"; but the dual part means that if he goes to Japan and stays there for more than three months he is regarded as Japanese. If there is a dual citizenship, then they should not be allowed to vote. What chance would we have against the dual nationality in which one of them is the country of their birth and to which they are strongly tied by religion and by the fact that they believe their emperor is a god? Shintoism is the worship of ancestors, and they look upon their emperor as their god and nothing which the emperor does can be wrong.

Then I take you to page 220. This is good. And I find the following:—

> Mr. Neill: Is it not a fact that before a Japanese national can get naturalized in this country he has to produce a certificate from the Japanese government to show that he has done his military duty or has been exempted there?
>
> Dr. Banno: No, I do not think that is correct.
>
> Mr. Neill: That is so. You can take my word for it. I can produce evidence.

Later on I said, "I got that information from the Immigration Department not three weeks ago." And Mr. Cameron said, "That would be our own regulations?" And I said "no, the Japanese regulations."

This is an Order in Council passed on the 13th of August, 1934, by our government, and I shall read this paragraph:—

> That an examination of the Japanese Nationality Law, as set out in a translation furnished by the Japanese minister, indicates that, to the general provision of the Japanese Nationality Law that a Japanese subject automatically loses his Japanese nationality upon acquiring foreign nationality by his own voluntary act, certain exceptions and restrictions are imposed by article 24 of the Japanese Nationality Law which are as follows:—
>
> Notwithstanding the provisions of article 19, article 20, and the preceding three articles, a male of full seventeen years of age or upwards does not lose Japanese nationality, unless he has completed active service in the army or navy, or unless he is under no obligation to serve.

> A person who actually occupies an official post, civil or military, does not lose Japanese nationality notwithstanding the provisions of the preceding eight articles until after he or she has lost such official post.

The Order in Council ends by saying:—

> Therefore the issue of nationalization certificates to certain applicants of Japanese nationality shall be restricted to those in respect to whom a certificate in the form annexed has been obtained from the Japanese minister at Ottawa.

Hon. Mr. STIRLING: May I ask what the reason for that Order in Council was?

The WITNESS: The heading?

Hon. Mr. STIRLING: What brought it about?

The WITNESS: That the Japanese had passed a law in response to pressure here that the Japanese who became naturalized here automatically ceased to be Japanese. Our government discovered that there was a string to it—that he had to do his military service. We had to pass an Order in Council making it legal that they could not get their naturalization certificate here until they had obtained this certificate from the Japanese minister showing that they had done their military service.

Now, do you think that these Japanese, born in Japan, having done three years or whatever the period is, military service, being brought up to worship the emperor under such conditions that if your shadow falls upon him you are supposed to go out and commit suicide—that all these impulses, being qualified under the terms of the army and being brought up with that religion inculcated in them—is that all going to be nullified because they go before a Canadian court and say, "I swear allegiance to King George." That is hardly likely, is it?

Those are all the comments I have to make on those two things; but I would like to make a few comments of my own.

Hon. Mr. STIRLING: Could Mr. Neill give us that information with regard to granting the naturalization papers in recent years to Japanese?

The WITNESS: Well, it is quite recent. This is in 1934.

Hon. Mr. STIRLING: But my impression is that a few years prior to that there were quite a considerable number of Japanese who were naturalized and became nationals with nothing to prevent them applying.

Mr. HEAPS: Are there any figures to show how many were naturalized?

The WITNESS: No. I have kept away from figures because I think Mr. Reid covered figures so well. He is full of figures.

Mr. REID: I think that Order in Council which Mr. Neill quoted was due to the pressure brought on the Dominion government by Japanese who were saying they were not getting justice in that they were asking for naturalization and being recommended and then being held up at Ottawa; and the Dominion government passed that Order in Council.

The CHAIRMAN: You have not the figures as to the number who were naturalized within a year or two prior to the passing of that Order in Council, have you?

Mr. REID: No. I think that is a very difficult matter to obtain. I think my information at the moment is that there were none being naturalized. Numbers are very difficult to obtain.

Mr. MCINTOSH: May I ask what incentive an individual Japanese would have in 1930 to be naturalized if he knew beforehand that he could never have a vote?

The WITNESS: He could have a fishing licence and other privileges of the same kind.

Mr. HEAPS: May I ask if a Japanese resides in this country five, six or seven years—whether he loses his Japanese citizenship?

The WITNESS: No, he does not.

Mr. REID: I might tell Mr. Heaps that this situation has arisen during recent years. Many Japanese who are not five years in the country and are destitute have stated to the relief officer that they are over five years here because if they said they were under five years they would be sent back to Japan as being destitute.

Mr. HEAPS: If he lives in this country over five years he attains right of domicile

Mr. REID: The same is true of the Chinese.

Mr. HEAPS: A national of other countries, if he obtains domicile here may acquire a passport for the purpose of going abroad. In the case of a Japanese, if he wanted to go from this country to another country, he probably could not go abroad unless he obtained a passport.

Mr. GLEN: The Japanese does not lose his nationality and become a citizen of Canada until he gets that certificate from the official in Japan.

The WITNESS: Yes, that is the condition.

Mr. HEAPS: If a Japanese becomes naturalized in this country after, say, ten years residence in Canada does his government in Japan claim any jurisdiction over him?

Mr. REID: Oh, yes.

Mr. MACNICOL: And do they go before a Japanese board?

The WITNESS: Yes, they register.

Mr. GLEN: He cannot get his certificate from the Japanese government unless he has completed his military service.

Mr. REID: The question is answered in the brief. In the year 1925 all Japanese born in Canada had a right up to within fourteen days after birth to signify the announcement of their allegiance to Japan by their parents and were looked upon as strictly Japanese subjects, but in 1925 the act was changed whereby the Japanese had to go before the Japanese consul and register if they wanted to be recognized by Japan as Japanese citizens.

Mr. MACNICOL: Whether born in Canada or not?

Mr. REID: Yes, most of them, if not all, still go before the Japanese consul and register with the Japanese consul which makes them Japanese subjects.

Mr. HEAPS: In case, say, of trouble between Japan and another country—say Japan and some European power got into war, would the Japanese government have the right to claim the service of these people who were born in Canada?

Mr. REID: My information is yes.

The WITNESS: May I go on. I do not know whether Mr. Reid pointed this out. Recently in British Columbia there was a meeting of farmers, and one of their demands was that Ottawa appoint a royal commission to investigate the status, social and economical, of the orientals in British Columbia. I have no comment to make on that other than it suggests unrest.

Now, it has been suggested and it is true, that there are some members in British Columbia in favour of giving orientals the vote. The C.C.F. people have a plank of that kind. In the election of 1935 conditions in British Columbia were ripe for third party domination undoubtedly. The people were disgusted with the parties and they were looking for a way out, and they finally showed their interest in favour of the C.C.F. We were told they were

going to sweep Canada, and thousands of people believe that. They elected only three members out of sixteen, and it was largely because of their unpopularity for having this oriental plank in their platform.

Mr. HEAPS: I think we should keep politics away from this. More than that, I challenge that statement.

The WITNESS: All right. We will leave it out. I was going to do you a good turn. Rather than being leaders in British Columbia in 1933 they were the official opposition, and as I have told you there is no record of anything having been brought in in connection with this matter. But other parties did. Here is a resolution that was presented to the legislature in British Columbia. I will quote only a few words:—

> Therefore be it resolved, that this house views with alarm any suggestion of extending the franchise to orientals, and desires to go on record as being unalterably opposed thereto.

That was ruled out on a point of order.

Mr. REID: Might I interject for the information of the committee that when that resolution was introduced in the British Columbia house that the Japanese consul interviewed the government and prayed them, if at all possible, not to allow that resolution to go for discussion on a vote. I can give you that information now. They were really alarmed, knowing that the provincial legislature would go whole-heartedly in opposition of the vote.

Mr. MACNICOL: Do I understand Mr. Neill to say that the resolution was ruled out?

The WITNESS: Yes, for another reason. Now, I want to quote very briefly an editorial from a Vancouver paper. You may say that that is not evidence, but it indicates the feeling of the country when a leading paper makes such statements.

The CHAIRMAN: What is the paper?

The WITNESS: Either the *Province* or the *Sun*.

Mr. REID: It is the *Province*.

The WITNESS: I do not know. Yes, it is the *Province*. I can identify it by the size of the type, and it is dated 14th of November, 1936. It is dated 14th November, 1930. I shall only quote a word here and there. It says:—

> To-day we have a large and rapidly-growing community of smart and intelligent oriental-Canadians born in British Columbia educated in our schools, gradually but forcefully penetrating various lines of our business life. The oriental brother has many admirable attributes—a habit of minding his own business, a national pride which has induced him to look after his own relief cases, traits of independence and stoicism that make him outstanding in any community.
>
> But these people are not Caucasians, they cannot be of the Canadian people in any racial kinship. Yet they are with us to stay. Rightfully, they enjoy all the practical rights of citizenship—except the vote.

Now, I want to quote a few words from the society that I mentioned before, the White Canadian Research Society, of which Mr. Hope is the secretary. The words that I quote are found on page 6. They are taken from a white paper issued by the British government in 1933 in connection with Kenya Colony in East Africa, and are as follows:—

> Primarily Kenya is an African territory and His Majesty's government think it necessary to record their considered opinion that the interests of the African natives must be paramount, and that if and when those interests and the interests of the immigrant races conflict, the

> former should prevail. This is the view of the British government on this question. It has a very direct bearing upon the situation in British Columbia and in fact the whole of Canada. This dominion is primarily a white man's country and the interests of the white man should be paramount, as are the interests of orientals in Asia. This is our interpretation of "British fair play."

I want to tell you what this society is because I think it important. This society did not get together one month before the letter was written, as our Asiatic friends did, but is composed of forty delegates representing the following bodies: the Native Sons and Daughters of British Columbia; Native Sons of Canada; Naval Veterans Branch; Canadian Legion; Pro Patria Branch, Canadian Legion; Public Services Branch, Canadian Legion; Victoria Liberal Association; Victoria Conservative Association and the Victoria Division of the Defence of Canada League. These nine bodies got together and appointed a committee, and they have been going to a lot of trouble getting information. I want to quote them to a very slight extent.

> Mr. K. K. Kawakami, one of Japan's most distinguished publicists, in an article in a well-known American Journal some years ago, shows why after 20 years of effort Japan's attempt to colonize Korea and Manchuria has virtually failed. Mr. Kawakami says—"People accustomed to low wages and therefore a low standard of living can successfully compete with and ultimately defeat people with a higher standard of living." He might well have added "accustomed to longer hours."
>
> This is the reason why so many white farmers are being displaced by Japanese in the Lower Fraser Valley and the Okanagan. "Longer Hours" also indicates doing away with Sunday as a day of rest. We are sorry to say that in many farming sections even among the whites, Sunday is gradually being disregarded.

This is something that ought to come home to everybody in this committee. They have prepared comparative figures to show what the percentage of population would be in other provinces on the basis of the percentage in British Columbia to-day and they are as follows:—

> In Ontario, with a white population of 3,377,234 you would have an oriental population of 310,712, of whom 157,730 would be Japanese, and in Quebec with a white population of 2,850,935, there would be 261,366 orientals, of which 133,523 would be Japanese.

How would the maritimers like a population of 5,250 Japanese in the fishing business? These figures bring the problem home to you, do they not? Now, I have two or three more things and I am through. On one occasion a case was cited in regard to the Chinese situation which revealed the absolutely immoral conduct that goes on in Chinese circles. I won't bother you with it. Some years ago there were some fishermen on the Pacific coast who wanted a lighthouse. I asked the dominion government to place it there, and they wrote back and said, "No; our information is it is not travelled by vessels to any extent. There are islands in there and rocks and they could not go in there anyhow." I put that up to the fishermen who were asking for it and their answer was this: "We know these waters; we do go in there. We know the channels. We do not use the dominion of Canada charts; we use the Japanese charts because they are so much more full and accurate and up to date." It is somewhere up near the Queen Charlotte Islands. This illustration shows what is going on. Let there be no misunderstanding about it. At the present time there is a heavy quota on the Japanese fishing. We do not want to surrender that as of course we must if we give them the vote. I wonder if I might be allowed to say a few words off the record. It is sometimes done in committees and I should like that privilege.

The CHAIRMAN: Is it agreeable to the committee?

Some Hon. MEMBERS: Agreed.

At this stage of the proceedings Mr. Neill made a statement which was not taken down.

The WITNESS: We know that if votes are given to these people the next demand will be, of course, the removal of restrictions on immigrants and the removal of restrictions in regard to fishing. They will be brought in in unlimited numbers. If you do that then British Columbia will be a Japanese province within the lifetime of people here. What happened in Hawaii? Over fifty per cent of the population there is Japanese now. They control the legislature. California bitterly regrets what they did. Why do these people come here? It was just a trick. They knew they could not get it in British Columbia. Did not our Premier tell them in the House of Commons last year to go to the British Columbia government? Don't you think British Columbia knows best? We are acquainted with the problem. Our dominion act reflects the provincial act, and the provincial act reflects the feeling of British Columbia; so I ask you to hesitate before you upset and go against the deep-set wishes of British Columbia. It is British Columbia to-day but it will be half of Canada to-morrow. I could go on and quote some more, but I do not want to do that. Mr. Reid and I—speaking for myself, and I think he will agree with me—have not the education of these talented people. We have no legal education like Mr. Norris, nor have we the money to fee a lawyer like him; but we have these four things: (1) we know the situation in British Columbia; (2) we are in deadly earnest; (3) we have a good case; and (4) we have British Columbia solidly behind us against any or all Orientals voting.

The CHAIRMAN: Are there any questions?

Mr. ROBICHAUD: What percentage of the population of British Columbia are Japanese?

Mr. REID: There are about 30,000 in a total of 700,000.

The WITNESS: These are not all the orientals.

Mr. HEAPS: How many Japanese?

Mr. REID: Close to 30,000.

The WITNESS: They breed like rabbits. The birth rate is 38; ours is 19.

Mr. MACNICOL: Mr. Neill said something about the Japanese obtaining licences for fishing. Can they do that to-day?

The WITNESS: Yes, within the quota they can.

Mr. REID: The percentage of fishing is now very staple. I gave that in my brief. I shall give you the figures.

Mr. ROBICHAUD: Out of the 30,000 how many are Canadian citizens, naturalized?

Mr. REID: It is very difficult to say how many are naturalized. These figures are very difficult to obtain. I doubt if they can be obtained.

Mr. HEAPS: Of that number how many were born here?

Mr. ROBICHAUD: The census can give that.

Mr. MCINTOSH: Are there any citizens of Japanese origin that vote?

The WITNESS: Yes, those who served overseas.

Mr. MCINTOSH: How many would that be?

The WITNESS: How many would it be, Mr. Reid, a hundred?

Mr. REID: Fifty.

Mr. MCINTOSH: The Chinese do not vote in British Columbia.

Mr. REID: No.

The WITNESS: No. The Japanese who served in the war are allowed to vote.

Mr. ROBICHAUD: They are like our Indians.

The WITNESS: Yes.

Mr. MACNICOL: Are their wives allowed to vote as well?

Mr. REID: No.

The WITNESS: No.

Mr. ROBICHAUD: What is the proportion in regard to Canadian citizens, whether born in Canada or naturalized?

The WITNESS: All orientals are excluded from voting.

Mr. ROBICHAUD: Can you tell us what proportion the 30,000 would be?

The WITNESS: Well, the Chinese and Japanese amount to 50,000. You can guess out of the 50,000 how many voters there would be on the list.

Mr. ROBICHAUD: They are not all naturalized?

The WITNESS: 50,000 altogether.

Mr. ROBICHAUD: How many of them are naturalized, half?

The WITNESS: Yes, I would think so, more than that.

Mr. ROBICHAUD: That would mean 25,000 were naturalized.

The CHAIRMAN: No, I think we are misunderstanding one another. You mean about half of them would be either naturalized or Canadian-born.

The WITNESS: I would not say how many. I should think more than that.

Mr. ROBICHAUD: That is what I mean.

The WITNESS: I should think there would be more than that. Nearly all that number are native-born.

Mr. HEAPS: How many children would there be in the 50,000 under the age of 21?

The WITNESS: I have not any information on that, but there are far more children amongst Japanese than amongst whites. The birth rate is double.

Mr. MACNICOL: What does British Columbia do in reference to the oriental vote?

The WITNESS: Here is the natural increase. The total population of British Columbia showed a natural increase of 4·72, and the natural increase of Japanese origin in 1931 was 52·01. In 1932 it was 22·19 and in 1933 it was 27·82. Ours was 4·72, so you can readily see what will happen in British Columbia in a few years.

Mr. REID: With regard to fishing licences, out of a total of 12,305 issued to fishermen, 2,023 were issued to Japanese, 2,171 to Indians and 7,331 to whites. In other words, the Japanese are getting 18 per cent or more of all fishing licences issued, which means that the Japanese are getting 7 per cent, based on their proportion to the total population as against 1½ per cent for our own race. In other words they are getting 7 per cent of the fishing licences according to the numbers of the Japanese in the province as against the whites—

The WITNESS: Yes, even with a quota.

Mr. MACNICOL: I wonder if a foreigner living in Japan, even though he is naturalized, is allowed to have fishing privileges.

Mr. REID: If I might be allowed to answer that question I might say from the Japanese records I have been able to learn that from the years 1929 to 1934 there were only seven naturalizations granted, and these were mostly to Chinese.

The WITNESS: You cannot buy land and farm in Japan.

Mr. MACNICOL: Do they fish all around the waters of British Columbia?

Mr. REID: Yes. They know more than we do about the waters. That is one of the difficulties with which we are faced. They have better maps than

we have. They admitted that last year when I made the statement in the house that they had better maps of our bays and shores than we have.

Mr. MacNicol: What is the B.C. regulation in reference to the voting of orientals?

Mr. Reid: Absolutely opposed.

Mr. MacNicol: In local elections?

The Witness: They cannot vote at all.

Mr. MacNicol: Municipally?

The Witness: No, no voting privileges.

Mr. Reid: No.

Mr. MacNicol: So far as British Columbia is concerned the federal voting is in conformity with the British Columbia act?

The Witness: Yes.

The Chairman: There is a general clause in the act that applies to all provinces. It is section 11 of our act. It is referred to on page 42, clause 11 of section 4 of the Dominion Franchise Act. That was read into the record by Mr. McNeill this morning.

The Witness: It has been the policy of the dominion for many years to follow local restrictions, if any.

The Chairman: It was put into effect in 1919.

The Witness: It was brought in then but it had been in effect before that date by a different method. In the old days you used the British Columbia lists and that had the same effect, so it was not necessary to put it in the act. In 1919 it was necessary to put it in the act; but it had been in effect at all times. Orientals never voted in British Columbia.

Mr. McCuaig: How do you account for the fact that the situation does not apply to Quebec where women are not allowed to vote in provincial elections?

The Chairman: The dominion act sets out the class of people that shall vote, but there is an exception in clause 11 which says that any person who is restricted from voting according to the provincial law shall also be restricted according to federal law.

Hon. Mr. Stewart: It is not a disqualification.

Mr. Neill: It is an exception which proves the rule.

The Chairman: I wish we had the wording of the act before us but it is very much to that effect.

Hon. Mr. Stewart: It is a difference between qualification and disqualification.

The Chairman: It has a reference to race in some way.

Mr. Glen: Mr. Chairman, are we going to arrive at a decisiion this morning?

The Chairman: I think not. Before the committee rises I want to suggest that on account of the correspondence that I have had with Mr. T. G. Norris of Vancouver, I should send to him the report of the proceedings of the last meeting, and of the proceedings of to-day, the evidence of Mr. Reid and Mr. Neill, and allow him to make any comments that he may see fit. Up to the present time they have not had an opportunity of cross-examining these witnesses. I think it would be only fair before we arrive at a conclusion to hear any further statements that Mr. Norris may have to make.

Now, the exception in the act is this: "Every person who is disqualified by reason of race from voting on the election of a member to the legislative

assembly in the province in which he or she resides, and who did not serve in the naval, military or air force of Canada in the years 1914 to 1918—"

Mr. McCuaig: That answers the question.

Mr. Glen: Maybe we should hear Mr. Norris before we conclude, but as far as I am personally concerned my mind is made up.

The Chairman: In my correspondence with Mr. Norris I told him in the early days of our meeting, that any further statements that he had to make or bring to the attention of the committee in addition to the brief he filed last year would have to be made at once. In his reply he stated that he thought he would have no statement to make at the moment, but he would like to receive the evidence given by Mr. Reid and Mr. Neill, and he might have something to say in reply to them. In order to treat the matter fairly and let everybody know that the committee is studying every angle of the matter I think it would be only fair and proper to send our reports of the committee to him.

The Witness: Yes; we have nothing to be ashamed of.

The Chairman: I shall write him. He knows he has to have his reply back here as soon as possible.

Mr. McIntosh: There is no indication of Mr. Norris coming with any further representations from British Columbia on this question, is there?

Hon. Mr. Stewart: He might have some more representations to make.

The Chairman: I have had no intimation.

Mr. MacNicol: We did not pay their expenses?

The Chairman: No.

Mr. Robichaud: There are something like 7,000 out of 52,000 Japanese.

Mr. Reid: Yes.

Mr. Robichaud: Does that carry the same proportion?

Mr. Reid: No. That refers to the extension that you give to the Chinese. There is only ten per cent of the total Chinese population in British Columbia who are female, whilst 40 per cent of the Japanese population are women who are at home working, so that the numbers employed have not a proper bearing on the total numbers of either Japanese or Chinese.

Mr. Robichaud: I thought Mr. Neill told me a while ago that there were about 50,000 Chinese and Japanese.

Mr. Reid: If you will look at the beginning of my brief you will get the total Chinese and Japanese figures. The total figures are there. I think you will find it is closer to 60,000. The Japanese are given as approximately 30,000 alone and the Chinese 27,139.

Mr. Robichaud: Would there be as many?

Mr. Reid: Chinese at the end of 1931 amounted to 27,139, Chinese alone. The Japanese at the present time, 1936, would amount to 30,000.

Mr. McIntosh: 57,000 in all?

Mr. Reid: Yes.

Mr. McIntosh: Roughly about one-twelfth of the population of British Columbia.

Mr. Reid: Yes.

The Chairman: Speaking as chairman of the committee I want to express our appreciation of the study that Mr. Reid and Mr. Neill have given to the subject and the time that they have taken in coming and presenting the analysis they have made of the brief and the evidence given. The result of everything that we have heard will be arrived at at some later date. You understand that. At the next meeting owing to the fact that we have gone back to the principle

of the 1930 election act I think it might be well for us to clean up a number of the other suggestions that I think we can dispose of in short order. I should like to call a meeting on Thursday but I don't know how the other committees are getting along. We have tried to avoid clashing as much as possible. You will get your notice at any rate.

The Committee adjourned at 1 p.m.

HOUSE OF COMMONS,

ROOM 429,

MARCH 23, 1937.

The Special Committee on Elections and Franchise Acts met at 11 o'clock. Mr. Bothwell, the chairman, presided.

The CHAIRMAN: Now, gentlemen, I think we shall proceed. It is the intention this morning to run through a number of suggestions that have been made by different members, most of which have been disposed of by the vote a few days ago to adopt the principle of the 1930 election act. Then, there are some others that may require some little consideration. I believe it will hasten matters if we dispose of these. I do not want to take the responsibility of simply wiping them out on account of the vote on the other question without bringing them to the attention of the committee.

Hon. Mr. STIRLING: May I ask a question that has been in my mind for some time. To what extent do the defeated candidates file their returns?

Mr. CASTONGUAY: The returns of election expenses are filed with the returning officers, but no record is kept of them here in Ottawa. They are kept locally. No report is made by the returning officers as to candidates who make returns and those who do not.

Hon. Mr. STIRLING: Neither by the elected candidates nor by the defeated candidates?

Mr. CASTONGUAY: No such returns are received here.

Hon. Mr. STIRLING: No return of election expenses by either the successful candidate or the defeated candidate?

Mr. CASTONGUAY: The returning officer is not obligated by the act to make any report. He is directed by the act to hold these returns for a period of six months. At the end of six months they are either handed back to the candidate or destroyed.

Hon. Mr. STIRLING: Then, is it obligatory on him to publish them in the local newspapers?

Mr. CASTONGUAY: It is, at the candidate's expense.

Hon. Mr. STIRLING: At the candidate's expense.

Mr. CASTONGUAY: If the candidate does not come forward with the costs of publication, the report remains unpublished.

The CHAIRMAN: Is there any penalty for failure to make that return?

Mr. CASTONGUAY: There is a very severe penalty. In my experience I do not think half of the defeated candidates file election returns. I am speaking now from information given to me by the returning officers when I have occasion to meet them.

Hon. Mr. STIRLING: What happens if the elected candidate fails?

Mr. CASTONGUAY: There is a very severe penalty provided for in the act.

Hon. Mr. STIRLING: Is it enforced?

Mr. CASTONGUAY: Never to my knowledge enforced.

Hon. Mr. STIRLING: Never enforced.

38550—18½

Mr. CASTONGUAY: During the last parliament I have knowledge of two or three elected members who waited two or three years to make their returns.

Hon. Mr. STIRLING: And sat in the house?

Mr. CASTONGUAY: And sat in the house, and they were liable to a fine of $500 a day for every day they sat.

Mr. MCINTOSH: With regard to the defeated candidate there is no publicity required at all, is there?

Mr. CASTONGUAY: His return is supposed to be published in the local newspaper.

Mr. MCINTOSH: It is?

Mr. CASTONGUAY: It is supposed to be.

Hon. Mr. STIRLING: It is?

Mr. CASTONGUAY: It is supposed to be published at his expense. It sometimes is and sometimes is not.

Hon. Mr. STIRLING: In most cases they do not file returns at all? There is a penalty provided in the act, but it has never been resorted to?

Mr. ROBICHAUD: After they have filed a return is it not up to the returning officer to publish it?

Mr. CASTONGUAY: It is published at the candidate's expense.

Mr. ROBICHAUD: If the returning officer does not see the candidate about the expense, then what?

Mr. CASTONGUAY: The returning officer holds the return for six months and it is available for inspection by anyone at a fee of 20 cents for each inspection.

Mr. ROBICHAUD: It is up to him to see that it is published?

Mr. CASTONGUAY: It is up to him, but he puts it up to the candidate, asks for payment in advance in most cases.

Mr. ROBICHAUD: Suppose he does not publish it?

Mr. CASTONGUAY: There is no penalty provided if the returning officer fails to publish it, when it is the candidate's fault.

The CHAIRMAN: There is a penalty against the candidate?

Mr. CASTONGUAY: There is a penalty.

Hon. Mr. STIRLING: Which is never enforced?

Mr. CASTONGUAY: Never to my knowledge enforced.

Mr. RICKARD: There is a penalty against the defeated candidate, as well?

Mr. CASTONGUAY: Yes. There is a similar provision in the act. If a member of parliament fails to file his return there is a provision in the act that he can go to court six months or a year, or sometimes two or three years after the date, and get permission from the court to file his return—that is before any proceedings have been instituted against him.

The CHAIRMAN: But he is still liable to be fined for having taken his seat in the house?

Mr. CASTONGUAY: Once the court has given permission to him to make his belated return, then he is free, the same as anyone else.

Mr. GLEN: Does it ever happen?

Mr. CASTONGUAY: Yes.

Mr. GLEN: It has happened?

Mr. CASTONGUAY: Yes.

Mr. GLEN: That some candidate has asked for that permission from the court?

Mr. CASTONGUAY: Within my knowledge—not candidates, but members of parliament.

Mr. MCCUAIG: Would not there be a provision in the act that a member could not sit until the returning officer reported that he had made his return?

Mr. GLEN: The act makes provision and imposes a penalty.

Mr. CASTONGUAY: It could possibly be made more drastic than it is now.

The CHAIRMAN: You have two months now in which to file a return. It is quite possible that a session of parliament would be called before the expiration of that time.

Mr. FAIR: Six months or two months, Mr. Chairman?

Mr. CASTONGUAY: Two months.

The CHAIRMAN: If there are no other questions on that we shall call Mr. Butcher to run through the list of suggestions.

Mr. HARRY BUTCHER, recalled.

The WITNESS: We will refer to suggestion number 4. This suggestion was before the committee on the 23rd February, and reads as follows:—

"A candidate's expenses should be limited by law."

This was ordered to stand over.

The CHAIRMAN: Has anybody anything to say on that suggestion?

Hon. Mr. STIRLING: Could it be enforced?

The CHAIRMAN: The disposition of the meeting at which this motion came up seemed to be we could not put it into effect, but we were asked to stand it over.

Mr. RICKARD: Was it not suggested the limit should be $1,000?

The WITNESS: That is the limit for personal expenses now.

The CHAIRMAN: This is the expenses of agents and so on, anybody taking part in the election on behalf of the candidate.

Hon. Mr. STIRLING: The total expenses.

Mr. MCCUAIG: In most cases it is limited, at any rate, for personal reasons.

Mr. GLEN: How would you enforce it if you put it into effect without some provision being made for the enforcement of it?

The CHAIRMAN: You probably will recall the discussion the morning Mr. Parent was here and told us something about the expenses in his own constituency.

Mr. ROBICHAUD: There are a great many provisions in the act now that should not be there because they are never enforced.

The CHAIRMAN: May we have a motion to negative that suggestion?

Mr. ROBICHAUD: I move that we negative it.

Suggestion negatived.

The WITNESS: We now come to number 6:—

Contributions from powerful corporations should be curbed—

(a) There should be publication of all subscriptions received.

This suggestion was before the committee on the 23rd February and was ordered to stand. In the 1925 Act there was a provision relating to contributions by corporations. The section reads as follows:—

10. (1) No unincorporated company or association and no incorporated company or association other than one incorporated for political purposes alone shall, directly or indirectly, contribute, loan, advance, pay,

or promise or offer to pay any money or its equivalent to, or for, or in aid of, any candidate at an election, or to, or for, or in aid of, any political party, committee, or association, or to, or for, or in aid of, any company incorporated for political purposes, or to, or for, or in furtherance of, any political purpose whatever, or for the indemnification or reimbursement of any person for moneys so used.

(2) Every director, shareholder, officer, attorney, or agent of any company or association violating the provisions of this section, or who aids, abets, advises, or takes part in any such violation, and every person who asks or knowingly receives any money or its equivalent in violation of the provisions of this section, is guilty of an indictable offence against this Act punishable as in this Act provided.

By the Chairman:

Q. What change was made?—A. It was repealed in 1930. There has been no similar provision since the 1926 election.

The CHAIRMAN: What do you wish to do with this suggestion?

Mr. RICKARD: If it is workable it is good.

Mr. FAIR: I believe the last part of it is workable. I do not know how we are going to prevent contributions from corporations, but there should be something done. I think it is a point we should adopt. It would to some extent curb the contributions, if they are not wholly curbed.

The CHAIRMAN: The act now provides that in so far as individuals are concerned all contributions must be published in the returns.

Mr. CASTONGUAY: The contributions that a candidate receives, or that anybody receives on his behalf, must be published in the report of election expenses.

Hon. Mr. STIRLING: Is that enforced?

Mr. CASTONGUAY: I have no information with regard to these returns. I only see a very few.

Mr. GLEN: The interest of the candidates would be—

Mr. CASTONGUAY: But in the returns I have seen the blanks calling for the insertion of the contributions are generally filled in to some extent.

Mr. GLEN: Mr. Castonguay, at present the law is that where contributions are given to a candidate he shall make a return of them and state it in his expense returns.

The CHAIRMAN: Either to himself or to his agent.

Mr. GLEN: Either to himself or to his agent. But that is not the purpose of this suggestion. This suggestion has to do with contributions from corporations to a party, where the party receives $10,000, $20,000, $50,000. I do not think that is the intention of what you read, Mr. Butcher. It has to do with contributions to a party.

The WITNESS: Yes.

Mr. GLEN: What Mr. Fair says is quite correct. If anybody gets money from a corporation and does not put it in his return of election expense, or if his agent gets such contributions and they are not reported, the candidate is liable to be prosecuted in that his return is untrue, false. So far as the contributions to parties are concerned I do not see just how you are going to enforce it.

The CHAIRMAN: In order to get at it you would have to insist on an amendment to the Companies Act. You would have to put a general clause in the Companies Act that would apply to all corporations, instead of an amendment to the Elections Act.

Mr. GLEN: That may be one way of doing it. Mr. Butcher, am I correct in saying that so far as we are concerned now there is a distinction as between contributions made to candidates and contributions made to parties? It is that law we are dealing with now.

The WITNESS: Yes, that is correct.

Mr. MCLEAN: What is the distinction between contributions to a candidate or his agent on the one hand, and contributions to parties? What is the distinction in law? I did not know there was one.

Mr. GLEN: There is no distinction, but it works out like this—

Mr. PURDY: That is the point. The act refers to contributions to parties. With regard to contributions to individuals, the candidates themselves must state those contributions in the return.

Mr. MCLEAN: That return does not get past the returning officer.

The WITNESS: No.

The CHAIRMAN: With regard to contributions to parties, I presume every party in Canada has headquarters at some place. The Conservative party, the Liberal party, the C.C.F. party, the Social Credit party and so on, would have a central organization some place in Canada. Corporations may make contributions to that central office which may be used throughout a term of years for the purpose of getting out literature and that sort of thing. The point is how are we going to get the information as to what contributions have been made?

Mr. MCINTOSH: The break-down of contributions you would get at the head office. The break-down of where those contributions go is the point in question. How are you ever going to find that out?

The CHAIRMAN: Another point raised by that suggestion is to get a check on those corporations that make contributions, not as to the distribution of the money after the contribution has been made.

Mr. MCLEAN: I think we all recognize the tremendous difficulty in enforcing this regulation. I do think there is one thing that we ought to attempt to prevent, and that is corporations from making contributions either to the head office or to candidates. I think an individual has a perfect right to support a candidate either by personal efforts, by his vote, by helping to pay the expense of that candidate, or in other ways. I think that a corporation has no business to do that at all. I think it is an evil and I recognize that it cannot be done through the Election Act, as you point out, Mr. Chairman; because while we can prevent a corporation from contributing to an individual candidate through the Election Act, we cannot, I take it, prevent them from contributing to the general central authority.

The CHAIRMAN: The central office is not recognized in the Election Act.

Mr. MCLEAN: Then, I think through the Companies Act or by some machinery it ought to be made illegal for a corporation to take part in a compaign by contributing funds. I think it is wrong and I believe it ought to be prevented.

Hon. Mr. STIRLING: Suppose you were successful in doing that, you could not prevent an individual in the company passing on the money.

Mr. MCLEAN: No; but after all corporations do keep accurate sets of books, and it is very difficult for a corporation in an offhand way to get their funds out without very very great danger of it being discovered. It is very much more difficult for them to do it in that way without it being detected. A small individual could do it much more easily. I now come to the other suggestion, the suggestion in regard to subscriptions being made public. That

is a good thing, but again we come to the impossibility of enforcing it. Here is an individual in a town who would like to have a candidate elected, who would like to contribute to the expense of that candidate but who is not going to have his name in the paper as having contributed to the election expenses of the candidate. He won't have it. What is he going to do? He is going to get around it; and he can get around it where a large corporation cannot. I think both suggestions are good ones if they can be carried out. I doubt very much if this one regarding the publication of all subscriptions can be enforced any more than many of the regulations we have now. The other one in connection with contributions from corporations ought to be prohibited by law. If we cannot do it by the Election Act we shall have to do it by some other means. Of course, it will not be enforced one hundred per cent but I think the abuse can be prevented to a large extent.

The CHAIRMAN: Is it the wish of the committee to go back to the provision we had in the 1925 act?

Mr. MCCUAIG: What provision is that?

The CHAIRMAN: The provision which says no contributions shall be received from corporations.

Mr. MCLEAN: That only affects contributions to candidates, it does not affect contributions to the head office.

Mr. FAIR: I think it should be made applicable to the head offices of these organizations.

Mr. MCCUAIG: You can't do it.

Mr. MCLEAN: You cannot do it by this act.

Mr. FAIR: "Cannot" is something that is used quite a lot. I think if we made a real effort we could do it, even if we cannot do it through this act.

Mr. MCCUAIG: When I say "we cannot do it" I mean we as a body here.

Mr. FAIR: I believe if effective measures are taken this abuse could be avoided.

The CHAIRMAN: The only thing we could do would be to make a recommendation to that effect.

Mr. FAIR: I do not want to take up the time of the committee suggesting that we do something that is not effective or that will not stand up. If we cannot do it here, then I certainly believe we should make a recommendation to the proper authorities to have it done.

Mr. RICKARD: Why was the change made in 1930?

Mr. ROBICHAUD: They thought it was not practicable I suppose.

Mr. GLEN: As a matter of fact you cannot deal with it except by way of suggestion, as Mr. Fair suggests.

The CHAIRMAN: I think it is only fair to state this: there is quite a discussion about contributions that have been made. In the discussion in the house it was said they were able to check up labour unions and that sort of thing who made contributions, and if other organizations were going to be permitted to make contributions, then, the discussion as I recollect it, led to opening the door so that labour unions still may be permitted to do so. There was quite a heated discussion on that very clause.

Hon. Mr. STIRLING: There certainly was.

Mr. RICKARD: They came to the conclusion it was not workable, I suppose?

The CHAIRMAN: It is one of these things. I do not know how you can enforce it except by an amendment to the Companies Act by some clause that binds all companies whether incorporated by special act or under the

Companies Act that they shall be required to publish in their annual reports any contributions that are made for political purposes to individuals or organizations.

Mr. McLEAN: Again there would be difficulty with the companies operating under provincial charters. You could not legislate for them, could you?

Mr. RICKARD: I move that it be negatived.

The CHAIRMAN: That includes the whole of number 6, does it?

Mr. RICKARD: Yes. I do not think it is workable myself.

The CHAIRMAN: Is there any further discussion?

Mr. FAIR: If we adopt that motion I think it means putting our stamp of approval on these things. I believe we have admitted they are not right. I think we should make every effort possible by way of suggestion to the proper authorities or otherwise to put a stop to this practice. In some of the investigations that have been instituted secret reserve funds have been found, and that sort of thing. These contributions may come under that. I think we should do something in this committee towards suggesting an end to the practice. If we cannot prevent it, we can make a start.

Mr. GLEN: What would you suggest, Mr. Fair?

Mr. FAIR: Make a recommendation to the proper authorities to put a stop to this, if at all possible.

Mr. RICKARD: The way I look at it is this: they will break the law anyway. I do not see why we should do something that would make them do it.

The CHAIRMAN: Are you ready for the question?

Mr. FAIR: Put teeth in the law, then.

Suggestion negatived.

The WITNESS: Suggestion number 7 is one of those that have already been dealt with by the adoption of the 1930 principle at our last meeting. Suggestion 7 reads as follows:—

> Closed lists should be abolished in rural constituencies and in rural polls in urban constituencies.

Mr. GLEN: I think it was the general opinion of the committee that closed lists should be abolished so far as rural constituencies are concerned.

The CHAIRMAN: Last year in drawing the By-elections Franchise Act we dealt with that very point, and we had open lists in rural constituencies. We discussed the question very thoroughly last year, but we have not disposed of it so far as these suggestions are concerned.

Mr. HEAPS: It is a big problem. If you are going to have open lists in rural constituencies how are you going to define what a rural constituency is?

The CHAIRMAN: It is defined in the act now.

Mr. HEAPS: How do you define it?

Mr. CASTONGUAY: The act now calls for a city, town or an incorporated village, of ten thousand population and over to be treated as urban polling divisions; it also gives power to the Chief Electoral Officer to declare urban any place with a lesser population than that of an urban character. I now refer to places where the population is transient, such as a mining town, and places bordering large cities.

Mr. HEAPS: Personally I would say there might be something to be said for certain areas having open lists. But I think it would be more desirable to have lists closed in as many parts of the Dominion as we possibly could. I do not think any urban centre with a population of even 1,500 or 2,000 should have an open list. I believe there could be a case made out for places which are

entirely rural in their character, and something in the way of an open list might be retained for these districts. There should be some method of defining a rural area in the act; but I do not think it should be as wide as it is at the present time. I would be inclined to support such a proposal. As it is now we have open lists in urban centres of 10,000 and under. I think that is giving far too much latitude in the act, and unless there was something substantially different from what we have at the present time I should like to see the suggestion stand over for further consideration.

Mr. PURDY: You have adopted the principle of the 1930 act, which provides for open lists in rural settlements.

Mr. HEAPS: We have not defined a rural settlement yet.

The CHAIRMAN: I hardly think the adoption of the 1930 principle entirely disposes of this particular question. There are many arguments for a closed list.

Mr. HEAPS: Is it not possible to have Mr. Butcher and Mr. Castonguay draft a new section defining what a rural poll is? That could then be put in the bill providing for open lists in rural sections. It is too wide altogether as it is now.

Mr. MCLEAN: Mr. Castonguay went into that very fully in his report at the meeting of March 9.

Mr. ROBICHAUD: I believe the proposition was that we revert to the principle of the 1930 act, with some modification. Could this not come under the discussion of the 1930 act, and at that time we could deal with the modifications?

The CHAIRMAN: We want to get direction in connection with the drafting of this section. Of course, when the act is drafted it will have to come before the committee for consideration of each clause. We are trying to clear up all these little points that will enter into the drafting of the section.

Mr. MCINTOSH: Mr. Chairman, was it not the opinion of the committee, practically overwhelmingly, in regard to any constituency that could be fairly termed rural. I think that was the consenus of opinion in this committee.

The CHAIRMAN: It was.

Mr. MCINTOSH: If that is the case I question very much the wisdom of going to work and changing the interpretation of the rural area as you now have it defined in the act.

Mr. ROBICHAUD: How was it defined in the 1930 act?

Mr. CASTONGUAY: The same as to-day; places with a population of 10,000 and over. In 1925 the limit of population for any place to have urban registration was 5,000. In 1921 it was 1,000. In 1930 this limit was raised to 10,000. I think myself that 10,000 is a little too high.

Mr. HEAPS: I think a rural district is a place where you have no definite urban population; otherwise it would be a confusion of terms. An example that comes to my mind is Transcona. There you have a population of three or four thousand people, all working in the railway shops. Under the suggestions made here it could be called a rural community but there is nothing rural about it. All these people are working in the railway shops. If you had an open list there we know it could lead to the most flagrant abuses. A provision of that kind would allow all kinds of irregular practices to be carried out. What we are all trying to do is to prevent irregular practices from taking place at election times. The one thing that would give incentive to that kind of activity would be the calling of an urban centre a rural polling division.

The CHAIRMAN: What is the population of Transcona?

Mr. HEAPS: About three or four thousand. Although I am very much in favour of a closed list I am prepared to concede an open list in rural sections, but not in urban sections. I do not know whether it is possible to make that definition clear, but if it were done it would do away with a lot of irregularities.

[Mr. Harry Butcher.]

The CHAIRMAN: You mean if in a rural constituency you had a town with a population of three or four thousand, the lists in that town should be closed although the lists in the rest of the constituency were open?

Mr. HEAPS: Absolutely.

The CHAIRMAN: Even if the balance of the constituency has open lists?

Mr. HEAPS: Yes.

Mr. CASTONGUAY: I might tell Mr. Heaps that the lists in the town of Transcona were treated as urban in the last registration. The four Winnipeg electoral districts have been declared wholly urban and they comprise places such as Tuxedo, with a couple of thousand, St. Vital, Rosser and others.

Mr. HEAPS: They come under the Winnipeg constituencies.

Mr. CASTONGUAY: They have been declared urban.

Mr. HEAPS: They are part of the Winnipeg constituency.

Mr. CASTONGUAY: But they are not part of the city of Winnipeg.

Mr. HEAPS: All I want to say is this: we should not allow so much latitude to the Chief Electoral Officer. It should be mandatory in the Act. What is rural and what is urban should not be left to his discretion at all. I think something could be devised whereby we could define a rural and urban district.

The CHAIRMAN: I should like to ask Mr. Castonguay if it would be feasible in a constituency of two thousand population to have closed lists in that area and open lists in the surrounding territory?

Mr. CASTONGUAY: I think it is possible and it was done in the 1921 election.

Mr. GLEN: Mr. Chairman, I have in my constituency a situation such as you just outlined. The town of Minnedosa has about two thousand people. If we had a closed list there I would not dare go back, when they had an open list in the rural parts of the constituency. They simply would not stand for it, because of complaints we had from this particular district at the last election. I do not see how you are going to carry out Mr. Heaps' suggestion unless you give some discretion to the returning officer or the electoral officer. Where these very polls that Mr. Heaps speaks of like Transcona were declared urban, it is an urban centre, because it is adjacent or in proximity to the city of Winnipeg. But in the rural districts where you have a large town, that same principle does not apply, because you have them on the borders of a town, and they do not vote in that town. They are farmers and they are in exactly the same position as the other rural parts of the riding.

Mr. ROBICHAUD: I believe that is quite right. I believe discretion should be left to the returning officer or the officer in charge; because you might have a town of two or three thousand people that has no floating population at all, the same as any rural district; while other towns with a smaller population may have a floating population. You should have a closed list there, but I think it should be left to the man on the spot who knows the situation.

Mr. MACLEAN: We have machinery for compiling the lists of people who are entitled to vote on election day. The only reason for permitting people to vote on election day who are not on the list is simply that mistakes have been made. Those who vote on election day who are not on the list, because of the open list regulation, are those who were entitled to be on the list. If we adopt the 1930 system of compiling the list by enumerators there is no earthly reason why everybody should not be on the list, no reason at all.

Mr. MCINTOSH: No reason why there should be some not on the list.

Mr. MCLEAN: If the enumerator works on the theory that if he leaves some off they can vote on election day, he is going to be sloppy in his work. If the people know they can vote on election day anyway, they are not going to bother to look at the list to see if their names are on. I am in favour of a

closed list. Here is what we are doing with the open list. We provide in the act that a person may appeal to the enumerator to have his name put on. If there is any dispute the voter can appeal the judge. What we are doing with open lists is allowing all that disputing to take place in the polling booth on election day, and it does take place. But there is this unfortunate part, it is almost impossible for the election officials in the polling booth on election day to prevent anybody from voting whether they are entitled to vote or not. If they decide they want to vote, with party feelings running high, and their friends say, why certainly you can vote; I will vouch for you, and they come prepared to vote, the friend prepared to vouch for them, how are you going to stop them? It is almost impossible to stop them. That is what has happened with the open list in many places. You say, we will have open lists in rural sections and closed in the urban. Why should it be open in a rural section? It is easier to make up a perfect list in the rural section than it is in the urban. It seems to me there is no reason at all for not having the list prepared, completed and definitely decided before election day as to who should vote and who should not. I have seen these open lists working at election times. What happens? As I pointed out at one other meeting, hosts of people vote here, there and everywhere who are not entitled to vote at all. Perhaps there will be a contractor with a road gang in the community. If they are entitled to vote they could be put on the list. They are not entitled to vote, therefore they are not on the list. However, they determine they are going to vote. You are determined they are not going to vote, but some party organization has determined they are going to vote. They will go to one poll, but perhaps a candidate is prepared for them there, and they cannot vote. Perhaps two or three vote there; but they try another and another, and I have information that a gang of half-a-dozen fellows determined to vote, and they did vote. The result is dispute in the polling subdivisions and confusion. You cannot prevent large numbers of unauthorized people from voting with the open lists. If you are going to have an open list, if you are going to permit people to come and vote on election day even though they are not on the list, what is the use of having lists at all? If we are going to have a list why not have our officials make up a complete list—they are well paid for it, and there is no reason on earth why they should not do it. If certain people are missed, ample opportunity is given them, if they are interested in voting, to put their names on the list.

Mr. HEAPS: Six days, is it not? Am I not right, Mr. Chairman, that six days after the enumerators have completed the list they have the right to get on the voters' list if they wish to?

Mr. CASTONGUAY: At the last election the urban registrars sat for three days and the revising officer also sat for three days.

The CHAIRMAN: Going back to the 1930 Act.

Mr. CASTONGUAY: At the 1930 election there were six days sitting, three by the urban registrar and three by the revising officer.

Mr. MCLEAN: In connection with the open list, I think we ought to forget about the 1935 election under the Franchise Act. The list was revised so long before the election and the method of revision turned out to be so inadequate that a large number were left off. There was a great deal of objection there. Let us forget about that method. We are back to the 1930 method of compiling lists where after the writ of election is issued the enumerators are employed to make up a complete list. These lists are posted up; notice is given, and those who are left off apply to the enumerator to be put on. If he refuses to put them on they can apply to a judge. I cannot conceive of his refusing to put them on if they are entitled to vote. There is no reason at all why any more than an infinitesimal number of voters would be left off the list. I think that is infinitely better than a system which permits all sorts of

irregularities. If I am friendly with the provincial government in power and there happens to be a road contractor with a hundred men working in my riding and I want to, I can get these fellows to vote and nobody can stop a large proportion of them from voting whether they are entitled to or not.

Mr. GLEN: Surely not.

Mr. MCLEAN: I have seen it happen. I had it worked on me in my election in 1930.

Mr. GLEN: You could not have been on your job if that is the case.

Mr. MCLEAN: I can give you an example. I did attempt in one place to stop it. How can you stop it? You can stop it only by laying information for perjury against a man who goes in to vote. The man who lays an information for perjury is running a tremendous risk of heavy action for damages for improper arrest. I speak from experience. I tried to do it and I know you cannot do it. Very few people are going to run the risk of laying a perjury charge and be open for damages because of false arrest.

Mr. GLEN: Would not the scrutineer challenge them?

Mr. MCLEAN: It is not that easy.

Mr. GLEN: The deputy returning officer can insist on the voter making a declaration under oath.

Mr. MCLEAN: Which he will take.

Mr. GLEN: All he has to do is put it in the hands of the Crown Attorney.

Mr. MCLEAN: This is how it works out. A man will come in there and swear he is entitled to vote and another voter will swear he knows he is entitled to vote. That is what happens. He will vote, and you cannot stop him from voting unless you place him under arrest. I did that. I sent a lawyer as scrutineer to one poll in an attempt to stop it, and he arrested two of them. But he told me afterwards he ran the risk of being sued for damages for illegal arrest.

The CHAIRMAN: There is quite a lot in what Mr. McLean has said. I have in mind a by-election in a constituency prior to a general election. In that by-election all the forces of the parties were there in full strength. They believed they got every possible man to the polls. When the general election came on there was no change in the constituencies, particularly, and with open voting there were a lot more people voted in the general election than in the by-election.

Mr. HEAPS: Were there more voted than there were names on the list?

Mr. MCLEAN: You cannot get away from that, Mr. Chairman, with open voting. You are going to have a large number of people vote who could not get on the list.

The CHAIRMAN: Certainly more voted than were on the list.

Mr. MCLEAN: You cannot stop that on election day. I do not see why it is not possible to have a proper list prepared and abide by it and thereby avoid all that.

The CHAIRMAN: This is a very important suggestion, gentlemen. We touched on it two or three times last year in drafting the by-elections act. We discussed it and we concluded to leave it open in rural areas with the expectation of clearing up all these matters before we came to the general act.

Mr. HEAPS: I think it is well to bear in mind how the person named comes to be on the list. There is no reason why his name should not be on the list with ordinary care. For instance, first of all you have your enumerators. They are paid so much per name. They take care to get the names of all they can. That would be my experience with enumerators. Otherwise it would

hardly pay them to go out and give their time to the job. Then, when the lists are completed so far as the enumerators are concerned under the 1930 act, the voters are given a further six days to get on the electoral list, if they have been left off. Well, now, he has the six days prior to the election.

Mr. CASTONGUAY: Thirty-five days.

Mr. HEAPS: We have six days more to get on the voters' list prior to an election after the enumerator has completed his work. Now, there is no reason in the world that any elector should not have his name on the voters' list, especially in an urban centre—or, for that matter, a rural centre. If the matter were left open so that the voter can say that the enumerators left him out and he did not go to the trouble of putting his name on the list when the revision of the list took place, what is the good of having a list at all if we are going to have an open list afterwards so that anybody can come along and vote. I think this is a matter which should be given consideration—and very careful consideration before we go on record as being in favour of the open list, except in the most extreme cases. I will concede the point in the extreme cases. Mr. Glen pointed out the case of one town in his constituency near Minnedosa where there are two thousand people in that district. There is no reason why those names should not have been on the list under the 1930 Act. There must have been gross carelessness somewhere. I have said many times in this committee that we cannot legislate for exceptions. If we are going to legislate by putting a clause in this bill to take care of exceptions we will have an Act looking after the exceptions and overlooking the masses of the people who come under the provisions of this bill. I am in favour of the closed list. A really good case can be made out for the closed list. If any member of the committee can show me cases where the open list ought to be kept in existence, I am prepared to consider those cases. But when you tell me that under the 1930 Act the elector did not have an opportunity of having his name put on the list of electors, I must say that in my estimation he has more opportunities of getting on the list in this country than in any other place in the world. First of all, we have the enumerators going from house to house, and if the enumerator does not find the elector at home he usually leaves a note informing the elector that he has called there, and, in all probability, he makes a second call; so there is every opportunity of getting names on the list.

Mr. MACNICOL: The enumerator gets so much per name.

Mr. HEAPS: Yes. I said that a moment ago. If the elector is absent from the city and does not receive a slip from the enumerator he has six more days to have his name added to the list. Surely, that is enough for the state to do. If a name is kept off the list it is unfortunate but, personally, I would far sooner see a name kept off the list than to have the Act in such shape as to allow abuses of which I know to creep in under open lists.

The CHAIRMAN: I would like to hear Mr. Glen's objection. Take Minnedosa. What objection would the people have to being on a closed list?

Mr. GLEN: A number of those voters are rural. They are farmers who vote under the open list.

Mr. MCLEAN: What is your objection to that?

Mr. GLEN: I understood that this committee had pretty well decided upon the principle that, so far as voting in the rural parts is concerned, that we would have the open list.

The CHAIRMAN: No. That has not been disposed of.

Mr. GLEN: That seemed to be the general opinion this morning. It was my opinion that that matter had already been decided.

The CHAIRMAN: If I might explain, the vote we took in connection with the principle of the 1930 Act was to the effect that instead of having lists made

up in the way they were under the 1934 Act, we are going back to the system of having an enumeration just prior to an election. That is really the only point that was decided by that vote.

Mr. ROBICHAUD: Mr. Chairman, I may say that I have been candidate and secretary in my county for over twenty years, and I have had a lot to do with the preparation of voters' lists, provincially, municipally and federally. To my mind, after all, the voters' list is simply a symbol which represents the right of the voter to cast his ballot, and that is a right which should not be taken from any voter. To my mind, if a person has a right to vote he should be able to vote whether his name is on the list or not. Mr. Heaps has spoken about exceptions. To my mind the closed list is the exception, and the open list is the general rule. Now, why have we arranged for closed lists? It was because the ordinary list was not practicable in cities and towns where there is a floating population. In my opinion the open list is the general rule, and a voter should be able to go to the poll and say, "this is my name; I am a British subject, and I have a right to vote." Therefore, the list is only a symbol of the citizen's right, and it should not be taken away.

Now, Mr. McLean said that a lot of people voted, and intimated that they had no right to vote—

Mr. MCLEAN: They had no right to vote in that riding.

Mr. ROBICHAUD: But they had a right to vote somewhere.

Mr. MCLEAN: I do not know whether they had a right to vote somewhere or not.

Mr. ROBICHAUD: They must have had, although not in that polling division. Now, Mr. McLean admitted that the number would be infinitesimal, and that is the way it has turned out in practice.

Mr. MCLEAN: I think it would be the very few who would be left off the list.

Mr. ROBICHAUD: That is my point. It is only in connection with very few that there would be much confusion about on election day. It is all right in theory to say that the enumerator prepares his list, that he can go from house to house; but look at the practical side. In 1930 I probably knew everybody in my county—I knew them by name anyway—because I have been going over the names for the past twenty years. I conferred with the enumerator at that time and we went over his list half a dozen times. We did not think we had missed one. I do not say that we went from house to house, but we knew every house—we went from house to house in our minds, and we were sure that we had everybody on the list; still we missed somebody.

Mr. MACNICOL: Probably some old resident.

Mr. ROBICHAUD: Certainly. Had we gone over the list a dozen times it is possible that we would have missed somebody. But that list is only a symbol; it does not matter much. The ideal system would be to have no list at all, and when a man presents himself in a rural constituency and gives his name everybody knows him. I say the exception is in the cities where the people do not know each other. To my mind, after twenty years experience, I think the 1930 act was the ideal act.

Mr. MACNICOL: Are we discussing the rural lists?

The CHAIRMAN: Yes. Both. Now, in order to designate a constituency as urban you have to have 10,000 people in an urban area. That may be too high. Consider, for instance, my own city of Swift Current with about 5,600 people. It is about the size of North Battleford. It does seem to me that we would be much better off with closed lists in that area.

Hon. Mr. STIRLING: Is the riding a rural one now?

The CHAIRMAN: Yes; and if we leave the lists open in rural ridings people can swear their names on, but when we come to a place that size there is a certain floating population.

Mr. MACNICOL: Exactly.

The CHAIRMAN: My own suggestion would be that the 10,000 be reduced to 5,000 at least, and if there is no objection to having a constituency divided partly urban and partly rural that would to some extent cover the objection to the open vote.

Hon. Mr. STIRLING: Swift Current voted as a rural riding, and, consequently, there was swearing on in Swift Current.

The CHAIRMAN: Yes.

Mr. MCINTOSH: That applied to Yorkton, Swift Current, North Battleford, Weyburn and other places.

The CHAIRMAN: I do not know what figure we should set. Mr. Glen has an objection to a population of 2,000. I would think that we could possibly come down to, maybe, 2,000.

Mr. ROBICHAUD: The matter should be left in the discretion of the chief returning officer.

Mr. MACNICOL: May I ask the chief returning officer his opinion as to what was the basis of limiting the number to a municipality of 10,000 in place of, say, 5,000? I think there is merit in what the chairman has said.

Mr. PURDY: Was it limited to 10,000?

The CHAIRMAN: It is 10,000, but the chief electoral officer can declare an urban area if, in his opinion, the population is mostly urban.

Mr. MACNICOL: There is sometimes quite a floating population in towns of 5,000.

Mr. ROBICHAUD: In the east, for instance, our towns contain the same people fairly constantly; but in the west it would be different.

Mr. MCINTOSH: There is very little floating population in North Battleford with a population of practically 6,500.

Mr. CASTONGUAY: In 1921 the minimum population was 10,000. In 1925 the matter was brought up before a special committee of the House of Commons when Colonel Biggar and I stated that one thousand was too low; that it should be raised. The number was raised to 2,500 and then to 5,000; and in 1929, when the act was again brought before a special committee, this matter was again brought up, and it was decided, after some discussion, to raise the minimum to 10,000.

Mr. MACNICOL: What were the arguments advanced?

The CHAIRMAN: What was the reason?

Mr. CASTONGUAY: The members of the committee appeared to be satisfied with having open lists in places of that size.

Mr. MCINTOSH: In other words, the committee of that time did not think there was the slightest danger in declaring a town or city of five or six thousand to be part and parcel of a rural riding with open voting.

The CHAIRMAN: You know, Mr. McIntosh, that in a city of 5,000 population there is a sufficiently large floating population on election day so that neither you nor your agents know who they all are. You cannot trace them all.

Mr. MCINTOSH: There is some truth in that, I suppose.

Mr. PURDY: Consider, for instance, the town of Truro. In 1933 we believed we had a pretty fair list, and when we came to check that list against the 1935 list there were between 1,700 and 1,900 new names, and we have never thought that we had a floating population.

[Mr. Harry Butcher.]

Mr. MacNicol: You have a certain amount of manufacturing.

Mr. Purdy: Yes, but that change took place in two years. I believe that in 1930 Truro was declared to be an urban section.

Mr. Heaps: I should point out that those things could not happen between 1933 and 1935, because the registration by the enumerators and the revision by the court of revision would take place within a period of six or seven weeks. Between the date of making out the electoral list and polling day there would be thirty-five days.

Mr. Castonguay: Forty-two days.

Mr. Heaps: That would be six weeks. There could not be much change within six weeks. We have to keep that in mind when we consider the question of open and closed lists in this committee. We are in a completely different position from three years ago. Our intention, I believe, is pretty well fixed, so far as this committee is concerned, that there shall not be more than six weeks between the day of the making up of the lists and the election.

Mr. MacNicol: I think that the purpose of open lists in rural ridings was to permit of cases such as my friend from Kent alluded to, where old families that might have been in the community for fifty, sixty or seventy years—even one hundred years—might find their names left off the list; and I think the intention of the open list was to see to it that on election day any such family name, or the representative of the family could go to the polling booth, accompanied by two other electors whose names were on the list, and vote. Personally, I am in accord with that as far as rural ridings are concerned. In the case of city ridings, I do not think we should have any list other than the sort of list we had in 1930.

The Chairman: How does the suggestion which was drafted by Mr. Butcher appeal to you: polls in incorporated towns and cities with a population of, say, 2,500 in rural constituencies, shall be regarded as urban polls with closed lists.

Mr. McIntosh: That is bringing the basis down to 2,500.

The Chairman: He is suggesting 2,500. Mr. Butcher was good enough to draft this.

Mr. Robichaud: How would it be to leave it to the discretion of the chief electoral officer?

Mr. Heaps: Personally, I believe there should be compulsory closed lists in places of 2,500 or over. Under 2,500 there may be districts where it might be desirable to have closed lists. Under 2,500 there should be a certain discretion allowed the chief electoral officer.

Mr. McIntosh: Do you remember, Mr. Chairman, one year in the provincial elections in Saskatchewan that we had closed lists?

The Chairman: I do not remember.

Mr. McIntosh: And there never was such an outcry against any type of list before or since. We had closed lists for one year and they were very unpopular.

Mr. MacNicol: Did that include the farmers?

Mr. McIntosh: Everybody.

Mr. Heaps: How were those lists made up?

Mr. McIntosh: In the same way you intend to make these up.

Mr. Heaps: Were they made up by personal enumeration?

Mr. McIntosh: Yes; but as you say, I remember there was one outstanding man in a certain district left off the list, and he was an old pioneer who had

lived there for twenty-five or thirty years, and the outcry that was raised for leaving a man of that character off the list, why it damned the thing for miles and miles.

Mr. MacNicol: With regard to the number 2,500, I just question whether the limit of 2,500 is not a little too small. For instance, a town of 2,500 would not have a very large factory in it, and therefore, would not have a very large floating population; but a town of 5,000 might contain two or three substantial factories and would have a considerable floating population. I was trying to think of a town in Ontario with 2,500.

The Chairman: Meaford.

Mr. MacNicol: Yes. Take the town of Meaford. I question very much if it would be right to close a list in the town of Meaford, but it would be right in a town the size of Hanover where there is a considerable floating population. Hanover has not 5,000 people, but say a town the size of Ingersoll. There would be quite a floating population in Ingersoll which has a population of five or six thousand. However, I think 10,000 is too large. I am in favour of reducing the number to, perhaps, 5,000, because 2,500 is too low.

Mr. McIntosh: I think 5,000 should be the number if we are not going to keep it at 10,000.

Mr. Rickard: You are going to have a good many ridings that will have no closed lists.

The Chairman: There will be closed lists in an urban area with 5,000 population, but there will be open lists in the rural areas.

Mr. Rickard: Under the 5,000. If you set the mark at 5,000 you are going to have a good many ridings where there will be no closed lists. In my riding we will not have any closed lists at all. We have two towns with possibly 3,500. Open lists will be general in my constituency.

Mr. Robichaud: Suppose that were left to the chief electoral officer to make it a closed list if he wants to.

Mr. Castonguay: That is in the act now—there are places with 5,000 population which have been declared urban.

The Chairman: That is, contiguous to a city.

Mr. Castonguay: Not necessarily.

Mr. Wood: It seems that we are dealing with our particular constituencies, so I would like to direct your attention to a situation like this: in my own constituency of Brant I have the town of Paris which has a population of around 5,000—it is doubtful whether it would have 5,000, but nearly so—and there are nineteen manufacturing industries there. I think Mr. MacNicol could allay his fears that there would not be much manufacturing in some of those centres. Then we come to the city of Brantford and I have about 1800 constituents in that city which is purely urban. There is the Cockshutt factory there, and there would be a considerable population.

Mr. MacNicol: Brantford has the closed list.

The Chairman: Even with the basis set at 5,000, those 1,800 in Brantford would be on the closed list.

Mr. Wood: We have had a closed list; it is part of the city of Brantford. North of the city of Brantford there is another group of about 2,000 people, and this district is purely urban although the place of residence of the people is in a rural constituency, but it is just as urban as that portion which is in the city of Brantford. Now, that is characteristic of nearly every rural municipality in western Ontario. The same thing would apply around Hamilton in Wentworth. I would suggest that this be applied to any incorporated town

—not to a village, because that would be making it too small—but to any incorporated town with 2,000 or over. I am directing your attention to this particular situation which, I believe, is characteristic of many rural polls. My own is considered a rural poll, but it is 50 per cent urban.

Mr. MacNicol: Throughout the whole of Canada there is a multitude of towns of 2,000, and it would be manifestly unfair to close the list in a town of that size.

Mr. Heaps: Why?

Mr. MacNicol: Consider a town like Whitby. It is, perhaps, larger than 2,000.

Mr. Wood: There is Caledonia. I think there is about 2,500 of a population and they have factories and an extremely large floating population in that little place.

Mr. MacNicol: That is one instance. They make lime and stone. But it is only during a certain part of the year that there would be a floating population. However, there are numerous towns of 2,000 in New Brunswick, Nova Scotia and Manitoba where that would not apply.

The Chairman: Could we compromise on this by adopting 5,000 and redrafting that clause to give discretion to the chief electoral officer to declare urban any other place where, in his opinion, there is a floating population. I do not know just how this would be worded.

Mr. Robichaud: Even if there are only a thousand people.

The Chairman: Yes.

Mr. Glen: I agree to that.

Mr. MacNicol: The chief electoral officer has that discretion now.

The Chairman: We are making a little change here. I do not know what the wording of the act is. It might require some careful drafting.

Mr. Heaps: I consider 5,000 too high. I figure 2,500 as suggested by Mr. Butcher. Above 2,500 there should be no discretion allowed the chief electoral officer, and then he will have less work to do. I believe it is better for the country, because the nearer we can get to a closed list the better. We have to bear in mind that the state does so much to get an elector's name on the list. We cannot expect to have a perfect list; that is impossible; I do not care how much work you do somebody will be left off. But for the sake of clean elections, our objective should be to see that we get as near to closed lists as we possibly can. We are going a long way in the way of compromise with the rural sections when we allow open lists in those areas, and I am suggesting that in all urban centres of 2,500 and over throughout the whole of Canada the lists should be closed. There is no excuse for them being open. Under 2,500, the chief electoral officer for the Dominion of Canada will have the option of declaring what, in his opinion, should be looked upon as an urban centre within the provisions of the act.

The Chairman: The committee seem to be at cross-purposes in this matter. I wonder if we could not get a unanimous vote and try it at once. The tendency has been to widen the scope of having open lists, and if we take a step back this time—that is to cut the quota in two—and then grant discretion to the chief electoral officer in places where there is a floating population, it will possibly be a step in the right direction, and the legislation can be changed at any time.

Mr. Heaps: We can come to a decision without much trouble if we vote on the question of whether the number shall be 2,500 or 5,000. I was going to move a motion making it 2,500, but if the committee wish to make it 5,000—

Mr. McIntosh: If Mr. Heaps makes that motion I shall move an amendment that it be 5,000.

The CHAIRMAN: The motion is that all polls in incorporated towns and cities with a population of 2,500 or over in rural constituencies shall be regarded as urban poles. The amendment is that the quota be 5,000 or over. We will deal with the amendment first.

Hon. Mr. STIRLING: In British Columbia we use different terms. We do not know anything about villages or counties but in my riding, for instance, there are three towns within forty miles of each other, one of which is incorporated as a municipality and takes in a considerable amount of orchard area contiguous to the town and has, possibly, a population of 4,500. The next one is a city, and it does not take in any orchard territory surrounding it. It has a population of about 5,000. Forty miles north of that is another place that is incorporated as a city with a population of, probably, 5,000. Now, it seems to me that under the wording the chairman has just used, that town of 4,500 would not be included; would it?

The CHAIRMAN: No. That comes under the amendment.

Hon. Mr. STIRLING: Now, who declares the population?

The CHAIRMAN: You would have to take that from the census.

Mr. MCINTOSH: The official population.

Hon. Mr. STIRLING: Take the census in 1931. By the time you get to 1938 one of these towns may have increased considerably and another one may have dropped. A case in point arises, and if you understood the three places I speak of —three contiguous towns, you would understand that there is apt to be a little jealousy of each other.

The CHAIRMAN: That, I believe, could be got over by giving the chief electoral officer discretion.

Mr. CASTONGUAY: The present provision reads as follows:—

> For the purposes of the Dominion Franchise Act, as well as for those of this act, the chief electoral officer shall have power finally to decide and he shall so decide, upon the best available evidence, whether any place is a city, town or incorporated village, whether it has a population of over ten thousand persons and what polling divisions of any electoral district shall be deemed to be rural and urban respectively.

Hon. Mr. STIRLING: The figure is in the hands of the chief electoral officer.

Mr. CASTONGUAY: He declares as to the matter of population.

Mr. MACNICOL: The chief electoral officer declares that after the enumeration is taken.

Mr. CASTONGUAY: I am not guided entirely by the census; I am also guided to some extent by local reports.

The CHAIRMAN: I believe, gentlemen, that we should clear up a point before the motion is put, and that is as to whether we will allow the chief electoral officer the discretion of declaring any particular area an urban poll.

Hon. Mr. STIRLING: And leave out that reference.

The CHAIRMAN: No. Leave the discretion with the chief electoral officer that he has now.

Mr. HEAPS: There is no intention of taking that away.

Mr. MCINTOSH: It should be left.

The CHAIRMAN: The motion is that places of 2,500 or over shall be considered urban areas.

Mr. MCLEAN: I may be a minority of one—I do not know—but I would like to seen an expression of opinion, one way or the other, on the question of closed lists. Without taking up any more time I will move a further amendment that can be put in a moment and disposed of, that we declare in favour of closed lists entirely. With all the discussion we have heard, I do not yet see any reason

why, under our enumerating system, the lists should not be sufficiently accurate as to who should vote and who should not, and why that question could not be decided before voting day.

The CHAIRMAN: We will consider your amendment as an amendment to the amendment. The amendment to the amendment is that all lists be closed.

Mr. FAIR: I want to oppose that for a moment. I have in my particular constituency an area of 6,620 square miles or an average of a little over 38 square miles in each federal polling division. Now, the way that enumeration has been done in the past around our country—and I do not think there is very much exception in large rural constituencies—is that the enumerator does not get out around the country. Where you have good gravel roads or otherwise, he can take a car and get out and do his work efficiently in a very short time. In other rural districts you have not these good roads; in other places you have not even a good trail; the enumerator has not go a horse and has to do his work on foot. I think you will find it unfair to the rural district to have the closed list. In the last election I know of several cases where farmers who had been in the district for 25 to 30 years were left off the list, with no opportunity for voting. If the open list is left these people would have a chance to make up for the inefficiency of the enumerator and what I would call the inefficiency of the act.

Mr. GLEN: Question, Mr. Chairman.

Mr. FAIR: I am speaking of one of the small ones in my particular province but there are several constituencies with a greater mileage than that.

The CHAIRMAN: The proposal is that we have closed lists in rural areas. We are now voting on the amendment to the amendment.

Amendment to the amendment negatived.

The amendment is that we have closed lists in areas of 5,000 and over.

Hon. Mr. STIRLING: With discretion left to the Chief Electoral Officer?

The CHAIRMAN: With that discretion, yes. (After a show of hands the chairman declared that the vote resulted in a tie.)

Personally I am going to oppose the motion. I would sooner see it lower, myself.

(The amendment to the main motion was lost on the vote of the chairman.)

Mr. FAIR: In order to break that I will move an amendment to the amendment.

Mr. HEAPS: You cannot do that now.

The CHAIRMAN: The main motion is that in areas of 2,500 or over we have closed lists.

Mr. GLEN: How does that motion affect us?

The CHAIRMAN: All polls in incorporated towns or cities or villages of 2,500 or over in rural constituencies shall be regarded as urban polls.

Mr. GLEN: If the motion is lost, what is the result?

The CHAIRMAN: Then we are back to the original situation.

Mr. GLEN: Back to the act?

The CHAIRMAN: Yes.

Mr. WOOD: With the qualification that the Chief Electoral Officer has that right—that applies as well?

The CHAIRMAN: Yes. I am going to take the vote now.

Hon. Mr. STIRLING: Excuse me. At this time you referred to incorporated towns and cities, but you did not refer to that the first time.

The CHAIRMAN: It is the same thing. I have read this two or three times. I was putting it shortly. It leaves discretion with the Chief Electoral Officer.

Mr. MACNICOL: Let us see where we stand now.

The CHAIRMAN: Now, we are voting on the motion that all polls in incorporated towns and cities with a population of 2,500 or over in rural constituencies shall be regarded as urban polls.

Mr. MCINTOSH: If this is lost what happens?

The CHAIRMAN: We are back to where the act is now.

Mr. MACNICOL: I wish to say a word there in reference to the 2,500 limit. I am not sure whether Strathroy has a population of 2,500 or not, but it is somewhere around there. Strathroy is my conception of a town of that size where the population remains very largely stationary. It is fairly rural; a very old settlement where the Ross family, as you perhaps know, Sir George Ross and Senator Ross and the rest of them, came from. It seems to me if the list is closed in a town like Strathroy some of the old families who have been there from 75 to a hundred years are likely to be left off the list. It might so happen that a number of people would be unable to vote who have voted for a great number of years. It is for that reason I am not in favour of cutting it down to 2,500, but I am in favour of cutting it down to 5,000.

Mr. ROBICHAUD: If this motion is lost it is open to anybody to make a motion that we have 3,500.

Some Hon. MEMBERS: Yes.

The CHAIRMAN: Are you ready for the question?

Main motion negatived.

Hon. Mr. STIRLING: I propose 4,000, Mr. Chairman.

Mr. MCINTOSH: Why 4,000? Why not 5,000?

Mr. ROBICHAUD: Make it 3,500.

The CHAIRMAN: The motion now fixes the population at 4,000.

Mr. FAIR: I will amend that by striking out 4,000 and inserting 3,500.

Mr. RICKARD: If you insert 3,500 you are going to put a lot of these towns right on the border; they won't know where they are.

Hon. Mr. STIRLING: But we are leaving discretion with the Chief Electoral Officer.

Mr. FAIR: I suggest the vote be taken.

The CHAIRMAN: Did I understand you to consent to 3,500, Mr. Stirling?

Hon. Mr. STIRLING: Yes.

Motion agreed to.

The CHAIRMAN: We shall now try to get through the other suggestions.

The WITNESS: Suggestion number 10:—

> Young people coming of age prior to day of election and otherwise qualified, should be permitted to vote on production of birth certificate if vouched for by a resident elector.

Mr. WOOD: Why should it not be the duty of the enumerator to make that inquiry and have it included as one of the qualifications to be entered on the list by the enumerator?

The CHAIRMAN: That suggestion, apparently, is a good one, Mr. Wood. Instead of allowing him to come in and swear his name on, in an area with a population of 3,500 or over, he would be entitled to go on the list so long as the birth certificate showed he will be of age on the day of election.

Mr. WOOD: I would make a motion to that effect.

Mr. MACNICOL: Would there not be some difficulty, Mr. Castonguay?

Mr. CASTONGUAY: I do not think there would be any difficulty.

Mr. MACNICOL: He would get the birth certificate?

Mr. CASTONGUAY: I do not think a birth certificate is necessary. If a person declares he is going to be of age on polling day, I think his name should go on the list. I think the enumerators should be instructed to that effect.

Hon. Mr. STIRLING: Does that mean in a town of 3,500 there would not be a closed list so far as a young person is concerned?

The CHAIRMAN: No; the point is this, in towns of 3,500 or over we have closed lists.

Hon. Mr. STIRLING: Yes.

The CHAIRMAN: Whereas in a rural area this young man can come in and swear his name on as having been omitted from the list.

Hon. Mr. STIRLING: What does he do?

The CHAIRMAN: Now, if we change the regulation in the way suggested, the enumerator is instructed to the effect that any person who comes of age prior to the date of election shall have his name put on the list.

Hon. Mr. STIRLING: He shows a birth certificate to the enumerator?

The CHAIRMAN: Yes.

Mr. MACNICOL: A young man or a young woman can vote on election day now by going to the poll with two voters whose names are on the list and who swear that he or she is eligible to vote. What about the young man who comes of age after the list has been compiled? He cannot vote. If evidence can be produced to satisfy the enumerator that he will be twenty-one prior to election day he should be eligible to vote. I think there is a lot of merit in it, Mr. Chairman.

The CHAIRMAN: The motion is not exactly in the terms of number 10. ". . . otherwise qualified elector who will attain the age of twenty-one years prior to the date of election shall be entitled to have his name placed on the voters' list."

Hon. Mr. STIRLING: I would suggest instead of "prior to the date of election," "on the date of the election."

Mr. ROBICHAUD: I think he should bring a birth certificate.

Mr. MACNICOL: At the last enumeration the enumerators when they came to a resident's home they asked who resided there and ascertained whether their names were on the list or not. If the mother or father or anyone in the residence stated that Mary Smith or John Jones was eligible to vote the enumerator did not demand proof of age.

The CHAIRMAN: I think it is only a matter of clarifying what has been the situation in the past. We only need to make clear to the enumerator that he has to put an individual on the list if he reaches the age of twenty-one years on election day.

Mr. MACNICOL: I am strongly in favour of that.

Motion agreed to.

The CHAIRMAN: We now come to number 11.

The WITNESS:

> The method of transferring names from one list to another should be simplified in certain cases, as for instance—
>
> > One member of a family should be able to arrange for transfer of the names of all members of the family living in the same home.

The CHAIRMAN: That does not apply. No. 12.

The WITNESS: "Similarly, one member of the family should be permitted to register the names of other members of the same family living in the same house."

The CHAIRMAN: That is out.

The WITNESS: No. 13. "Publication of election returns from east to west should be synchronized. . . ."

This suggestion has been before the committee before—on the 16th of February—but it was allowed to stand.

Mr. PURDY: I move that it be turned down.

Hon. Mr. STEWART: Why do you move that?

Mr. MACNICOL: I think that should be held over.

The CHAIRMAN: We will hold that over until Thursday morning, but I think we should dispose of it then, because I understand that after Easter morning sittings will be held in the house, and we want to get through all these suggestions this week, if possible.

Mr. MACNICOL: In the meantime the chief returning officer should make the most exhaustive inquiries possible.

The WITNESS: No. 14 is a subject of special reference to the committee: "When there is a further redistribution, an independent commission should be set up to set new boundaries."

The CHAIRMAN: Stand.

The WITNESS: No. 17: "Advising voters by card as to the time and place of poll should be abandoned." There are three other suggestions which come under the same heading. Suggestion 49: "That notification postcards should have a return address." No. 61: "That the notification card sent to each elector should have a line on the top reading as follows: 'present this card on day of election to the deputy returning officer'."

Mr. MCCUAIG: I think all these things will come out now.

The CHAIRMAN: I think all the members were here the other day when Mr. Castonguay gave us his suggestion. It was that every household should be supplied with a list of the names on the list.

Mr. MACNICOL: And also information as to where they would vote.

The CHAIRMAN: Yes. That might obviate, to some extent, the use of notification cards.

Hon. Mr. STEWART: I think the notification card of the returning officer is a good thing.

Mr. MCLEAN: If we adopt this suggestion of Mr. Castonguay it will eliminate the necessity—

Hon. Mr. STEWART: No, no.

Mr. MCLEAN: It would give the voters the same information.

Hon. Mr. STEWART: No. One person in a house would get the list and the other fellow would not see it.

The CHAIRMAN: This is urban.

Hon. Mr. STIRLING: Is it only urban?

Mr. MCCUAIG: Do you know the expense for supplying cards?

Mr. CASTONGUAY: It was very close to $75,000.

Mr. RICKARD: I do not think it is necessary at all—in rural districts at any rate.

The CHAIRMAN: We do not have them in rural districts now.

Hon. Mr. STEWART: No. We do not have them in rural districts.

The CHAIRMAN: We did have them in rural districts, but with the regulation allowing people to swear the names on the list in rural areas it would not be necessary to send them this card.

[Mr. Harry Butcher.]

Mr. CASTONGUAY: In view of the fact that the rural lists are printed, I do not think there would be any difficulty in sending the rural list out at a low cost.

The CHAIRMAN: The suggestion is that the practice of advising voters by card as to the time and place of the polls should be abandoned.

Mr. MACNICOL: It was first tried at the last election.

Hon. Mr. STIRLING: In urban ridings.

Mr. MCLEAN: I do not see how we can dispose of that matter until we decide on the questions concerning the lists, which were left in abeyance, and also on the question raised by Mr. Castonguay. If no other provision is made, then I think we ought to retain the postcards.

The CHAIRMAN: This sample sheet which has been prepared by Mr. Castonguay is the only other suggested provision.

Hon. Mr. STEWART: I think the card is better than this.

Mr. MACNICOL: How many days before election would this sheet be sent out?

Mr. CASTONGUAY: It would go out to the electors in the third week before polling day.

Hon. Mr. STIRLING: I understand that we are considering No. 17 as it is worded, and it will apply only to urban polls.

The CHAIRMAN: Under the act now it applies to all polls—under the 1934 Act—but if we still continue the card system, it seems to me it would be abandoned in rural polls.

Hon. Mr. STIRLING: I am in favour if it is continued in urban polls. Consider the little towns I have been speaking of with fourteen polling divisions. The description by streets is not generally understood by the public, and it is of very great assistance to these electors to know which school is being used and where it is or what house or building they will vote at.

The CHAIRMAN: In dealing with No. 17, your motion is that in urban polls voters should be advised by card as to the time and place of voting.

Hon. Mr. STIRLING: Yes.

Mr. MACNICOL: If the chief electoral officer's suggestion is carried out, this sheet contains all the information.

Hon. Mr. STEWART: No, it does not.

Mr. FAIR: I was wondering about outlying rural districts where there are no telephones, and whether it would not be a good idea to extend it to those places; because there are a lot of people in those districts without telephone communication and who have no source of information excepting the newspapers, and many of the people do not buy newspapers any more. If this idea is extended to one part, could it not be extended to another?

Hon. Mr. STIRLING: Is not voting commonly carried on in the school houses?

Mr. FAIR: In some cases. But I know of people in the last election who drove to three different polls before they found the right one.

Mr. ROBICHAUD: They had the cards last election.

Mr. FAIR: I mean the 1930 election.

The CHAIRMAN: Are you introducing that as an amendment?

Mr. FAIR: I would like to hear the discussion on it.

Hon. Mr. STEWART: In the last election I heard very favourable comment all over the constituency with respect to the notification card. They were generally approved as facilitating getting out the vote. It seems to me the cards are a good thing.

Mr. MACNICOL: Mr. Castonguay referred to the expense of these cards as being $75,000. That did not include postage, did it?

Mr. CASTONGUAY: $75,000 was the cost without considering postage. The returning officers were allowed $2 per poll to prepare these notification cards for mailing. That $2 per poll amounted to $65,000 and the other $10,000 was spent for the printing of the cards, etc.

Mr. MCCUAIG: If you included postage, the amount is more than double.

Mr. MACNICOL: I am thinking of this list suggested by Mr. Castonguay; that list will go to a householder. Now, in my riding of St. Pauls there might be nine or ten thousand university students voting, and this suggestion of Mr. Castonguay might be a hardship there. I am in favour of it in the main, and there would be no objection to sending those sheets out, as far as cities are concerned; but it is, perhaps, better to follow the system adopted at the last election.

Mr. FAIR: It gives notification of the place of voting. I move that it be extended to the rural districts.

Hon. Mr. STEWART: I would like to ask Mr. Castonguay about the length of time the returning officer would have for mailing his card between the completion of the list and voting. Under the closed list he had his list quite a time ahead, but now what time will he have for the mailing of his cards between the completion of the voters list and polling day?

Mr. CASTONGUAY: The act calls for the sending out of the cards not later than nomination day. Last election the cards were sent to the returning officers some time in May, and they were able to fill in a good many blank spaces and get them ready; and when they got the final list all they had to do was to address the cards to the various electors. It all depends upon the notice given that there is going to be an election. The returning officer requests that these cards be sent as early as possible, because it is quite a task to fill them out. There are half a dozen blanks to fill in—the location of the polling station, the number of the poll, the signature of the returning officer, the name of the electoral district and many other things. It is quite a task. An allowance of $2 per poll was made, and I have received many complaints that the $2 was not enough. I might say that the advantage of this method which I have suggested of informing the electors of the location of the polling station would prevent any telegraphing or personating such as has gone on during elections when cards were used. I have been informed by many people that the cards were used in several places to personate electors—a person goes to the poll with a card and that is his introduction to get a ballot.

Mr. MACNICOL: Particularly the last time when there were names on the list, 2, 3 and 4 times.

Mr. RICKARD: Did it not also work the other way—that some of them found they could not vote if they did not have their card with them?

Mr. CASTONGUAY: It was not necessary.

Mr. RICKARD: I know it was not necessary, but that was the impression left.

The CHAIRMAN: There was an illustration given to me of one poll in Montreal where the same name was on the list voted four times, and that was partly due to the manipulation of cards.

Mr. RICKARD: That was brought up in discussion in the meeting.

Mr. ROBICHAUD: With the new system of making up lists, I do not think we would have time to prepare these cards.

Mr. CASTONGUAY: I think it could be done.

Mr. MCLEAN: I doubt if there is going to be time to make out the cards.

Mr. CASTONGUAY: The returning officers in the by-elections recently held in Bonaventure and Hamilton West had plenty of time. They had about forty-three days between the issue of the writ and polling day.

Mr. SINCLAIR: If a man could not vote without his card, what about those people who go on the day of election in the rural district?

Mr. ROBICHAUD: They can vote without their card.

Mr. SINCLAIR: You could not send a card to all rural electors.

Hon. Mr. STEWART: It applies only to cities.

Mr. CASTONGUAY: It applies both to urban and rural polling subdivisions.

Hon. Mr. STIRLING: I cannot see much use for it. It can be got over by swearing on.

Hon. Mr. STEWART: I do not see what swearing on has to do with the matter. This is to notify the voter where he goes to vote. I can understand that in rural districts there is not the same necessity for it. There are only a few places where they will vote and they know perfectly well where they are; but in a town or city it is done either by the candidate if he wants to get his vote out or by the returning officer; and if the returning officer does it, the candidate does not have to do it. You would be surprised how indifferent about voting people are when they do not know where they are going to vote, and unless they get a notice from somebody, they will have to be taken out. If they get a notice from the returning officer stating that they are voting on a certain street and at a certain number they will go out to vote.

The CHAIRMAN: I am thinking of my own constituency of Swift Current. In the territory lying east of Fox Valley I do not believe the voters would get their notice in the time allowed the returning officer to get them out. Under the system in 1934 we had the revision and the lists were complete, and the returning officer had time enough to get these cards out to the voters, but in the ordinary course of post, where the mail comes once a week, if a particular day is missed it will mean that two weeks will elapse before the man out there gets his mail.

Mr. MACNICOL: Would the card system not apply to all towns of 3,500 and up?

The CHAIRMAN: Yes.

Mr. MACNICOL: They would cover a very wide proportion of the population.

The CHAIRMAN: Now, the motion is that the voters be advised by card in urban polls of the time and place of voting. The amendment proposed by Mr. Fair is that the notification by card be sent to all voters.

Mr. MACNICOL: I am in favour of the cards being sent to all voters if it can be done.

The CHAIRMAN: Could it be done, Mr. Castonguay?

Mr. CASTONGUAY: In the very difficult electoral districts there is an interval between nomination and voting day of fourteen days. I think it could be done.

Mr. ROBICHAUD: Mr. Chairman, I feel that the sending out of cards is an expensive frill. I do not think we should spend $75,000 sending out cards telling a man he has to come out and vote. I think people in rural communities know where the vote is being held. I think we have been pampering electors a little bit. I would not be afraid to tell my voters that. We have been stressing the right to vote. On the other hand, it is an obligation. We should look at the other side of the matter. A man has the right to vote but he has also the obligation. I think we should endeavour to make the electors realize that obligation. We have been pampering them too much and I think it is a waste of money.

Mr. MCCUAIG: I move an amendment to the amendment to the effect that we dispose of cards altogether.

Hon. Mr. STEWART: That $75,000 covered rural and urban. If you cut out the rural it would be much less. That is all I want to point out in answer to the gentleman who just spoke.

The CHAIRMAN: The motion is in the wording of the suggestion that advising voters by card be abandoned.

Mr. MACNICOL: That is hardly fair.

Mr. ROBICHAUD: Why?

Mr. MACNICOL: All the hands that I saw came from rural ridings.

Mr. MCCUAIG: No.

Mr. MACNICOL: What hand came from an urban riding?

Mr. SINCLAIR: I voted against it.

Mr. MACNICOL: What city do you represent?

Mr. MCCUAIG: Most of my riding and Mr. McLean's are urban.

Mr. MACNICOL: What city?

Mr. MCCUAIG: Both Barrie and Collingwood, which are well over 4,000.

Mr. MACNICOL: They will now come within the 3,500.

Mr. MCCUAIG: 8,000.

Mr. MACNICOL: The city ridings are large. My riding has perhaps 45,000 voters on the list. While the new scheme of enumeration will purify the list to a very large extent, yet in the interim there will be a lot of people move away who would have the right to come back to vote. I am convinced that the sending out of the cards by the returning officer in large urban ridings has had a good effect. I believe it has had a tendency to steady the purity of the list. Speaking as one from a large city riding I think we should still continue to send out the cards—

The CHAIRMAN: Mr. MacNicol, I am giving a considerable amount of scope in this matter.

Mr. ROBICHAUD: The discussion is closed.

Mr. PURDY: This motion has not been voted on yet. I intend to support it.

Hon. Mr. STIRLING: I think it is out of order. The vote has been taken. It appears to be quite a contentious matter. At least four or five of the members have left. Would it not be a good idea to let it stand?

The CHAIRMAN: I want to say the discussion that has taken place is the fault of the chairman—

Mr. MACNICOL: The fairness of the chairman, not the fault.

The CHAIRMAN: It is my endeavour to try to get this act fixed up in the best interest of everybody in the country.

Mr. WOOD: So far as Mr. MacNicol is concerned I should like to say I do not believe there are any of the rural members in this committee who would want to cause any hardship at all to the urban sections. If he had been able to give us any reasonable argument that would convince us of the justness of his contention then I am satisfied that we would have supported him. The reason why we did not support his contention is that we did not see any virtue in the argument that he put forth.

The CHAIRMAN: There are only two points in connection with it, as I see it; one is that during the last election situations arose where votes were cast that should not have been cast. They were cast by reason of a man producing one of these cards. The other is that it would be a convenience to everybody in an urban constituency particularly if the people could be notified of the time and place of voting. I wonder if we could not avoid the difficulty and still give the people the same information as was given in the cards by adopting the suggestion offered by Mr. Castonguay?

Mr. MACNICOL: That is quite satisfactory if the time was added.

Mr. ROBICHAUD: It could be added here.

[Mr. Harry Butcher.]

The CHAIRMAN: Are you prepared to take the vote?

(Amendment to amendment adopted)

Possibly we can dispose of the matter right now. I am referring to the suggestion made by Mr. Castonguay.

Mr. PURDY: I would move that the method of notifying voters in a district, as suggested by Mr. Castonguay, be adopted.

Mr. MACNICOL: Is it the intention to send this list to every voter on the list?

The CHAIRMAN: Every householder.

Mr. MACNICOL: There again you are up against this proposition: suppose you have ten thousand university students in a riding like St. Paul's and perhaps two or three ridings in Montreal, Winnipeg and other places. One list goes to the householder only—

The CHAIRMAN: Here is the situation. You have one of these lists in every apartment in an apartment block. You have one in every house. These students are together all the time. Is it beyond the bounds of possibility that one student will not pass the information on to the other students in the polling subdivision?

Mr. MACNICOL: There is nothing in the law to prevent a candidate from doing it himself.

The CHAIRMAN: No.

Mr. MACNICOL: It would just mean I have to spend $450 for the cost of addressing and printing postcards.

The CHAIRMAN: I hope you are wrong in that.

Mr. MACNICOL: To let the voter know where to vote.

The CHAIRMAN: Are you ready to vote?

Mr. MACNICOL: I would much rather the returning officer did it.

Mr. MCCUAIG: We can vote on the principle.

The CHAIRMAN: I just thought it might come in very properly at this particular time.

Hon. Mr. STEWART: As I understand it, one of these lists would go to 218 Bay Street, and another one to 221 Bay Street and so on.

The CHAIRMAN: Yes.

Mr. MACNICOL: Living at 219 Bay Street may be a family of hot Tories, and they may have residing with them a very nice respectable Grit. The Tory candidate would certainly see that the nice respectable Grit did not know where the polling place was.

Mr. ROBICHAUD: If he is a Grit he will be bright enough to find the polling division.

The CHAIRMAN: Mr. Purdy moved that we adopt the suggestion of Mr. Castonguay.

(Adopted.)

Mr. MACNICOL: That would not apply to the rural districts.

The CHAIRMAN: No, urban.

The Committee adjourned at 1.10 p.m. to meet again Thursday, March 25, at 11 o'clock.

HOUSE OF COMMONS, ROOM,

March 25, 1937.

The Special Committee on Elections and Franchise met at 11 o'clock, Mr. Bothwell, the chairman, presided.

The CHAIRMANS All right, gentlemen, if you will come to order: At our last meeting we disposed of suggestion No. 17. The next one is No. 18. It can be struck out now, I think it does not need to be considered.

Mr. HARRY BUTCHER, recalled.

Mr. MACNICOL: May I ask if we have disposed of these suggestions from the beginning?

The CHAIRMAN: They have all been disposed of, with the exception of Nos. 1, 13, and 14.

Mr. MACNICOL: Thirteen is one which was held up.

The CHAIRMAN: Yes, 13 and 14.

Mr. MACNICOL: And 18 will be disposed of as the result of the new proposal with respect to enumeration.

The CHAIRMAN: Yes, so we can strike out No. 18. The next is No. 19.

Mr. MACNICOL: That would be out too, it comes under the same thing.

The CHAIRMAN: Yes, and No. 19 will go out. No. 20 is: "That there should be two enumerators engaged in the preparation of lists in rural polls as well as in urban."

Mr. MCLEAN: I think that in both 1930 and 1934 elections, one held under one party and one held under the other party, showed that enumeration in rural ridings by one enumerator was very satisfactory. I think it involves unnecessary expense there, it is different in the city; but I think in rural ridings it is entirely satisfactory to have one enumerator. I would move that it be left out.

The CHAIRMAN: You have heard the motion. Are you agreed? I declare the motion carried. The next one is No. 27: "That Section 51 (2), the act with regard to the presence of agents at the final addition of the votes, be clarified." We disposed of suggestions No. 21, 22, 23, 24—and 25 has not been disposed of.

The WITNESS: That was to be further amended. You will recall that on February 19 it was decided that the form of oath which I had drawn was to be further amended. I have made a change which I think will comply with the suggestion made by the committee at that time. The suggested form is as follows:—

Form No. 22. Oath on transfer certificates. (Sec. 44(4).)

I, the undersigned, make oath and say:

That I am the person described in the above certificate; that I am actually agent of.....that it is my intention
(insert name of candidate)
to act in that capacity until the poll is closed; that I have taken the oath of secrecy in Form 17 of this Act; that I am a British subject of the full age of twenty-one years; that I have been ordinarily resident in Canada for at least twelve months and in this electoral district not less than three months immediately preceding the.....day of..... 19....(naming the date of issue of the writ of election); that I have not

before voted at this election either at this or any other polling station; that I have not been employed by any person for pay or reward, in reference to this proceeding election, unless lawfully by an election officer, and that I have not received anything, nor has anything been promised to me, either directly or indirectly, in order to induce me to vote, or to refrain from voting, at this election.

So Help Me God

Sworn (*or* affirmed) before me at the polling station for Polling Division No.....this..... day of....., 19....

.....
Deputy Returning Officer.

By the Chairman:

Q. Is that the wording of the act now?—A. That is taken from the oath of qualification.

By Mr. Factor:

Q. That is the oath to be taken before he obtains his transfer certificate?—A. No, when he seeks to vote at a polling station other than his own.

Q. You say there that he has taken the oath on Form 17; that is taken when he appears originally at the polling booth?—A. I will read the oath in Form No. 17:

Form No. 17—Oath of Agent of a candidate, or elector representing candidate. (Sec. 34):

I, the undersigned, P.Q., agent for (or elector representing) J. K., one of the candidates at the election now pending for the electoral district of.....do swear (or solemnly affirm) that I will keep secret the names of the candidates for whom any of the voters at the polling station in the polling division No.... marks his ballot paper in my presence at this election. So help me God.

That is the oath of secrecy. In the second oath in Form 22, he declares that he has taken the oath of secrecy.

By Mr. Robichaud:

Q. The one you have drafted is to replace form No. 22?—A. This is the oath he will have to take before he is permitted to vote.

Q. Is that before he is permitted to get his transfer?—A. No. He does not have to take an oath when he applies for his transfer certificate.

By Mr. McLean:

Q. I take it, Mr. Chairman, that the object of this is to prevent electors from voting in a polling subdivision other than their own on the pretext that they are agents when they really are not agents; that is the idea?—A. That is correct. That is the idea.

At the request of the chairman Mr. J. A. Glen took the chair.

Mr. McLean: Mr. Chairman, I do not think that practice is a very vicious or serious one. Once in a while it is inconvenient for an elector to vote in his polling subdivision; and if the candidate is allowed only two agents—I think that was not entirely clear, but it might be made clear—and he has appointed one and then sees fit to permit somebody to presume to be his agent in order to

vote, even although one is going to act instead of two—that is what is done occasionally—that is all right. This is intended to stop that. I do not think it is a serious practice. After all, I wonder if this is going to stop it. That is quite a long affidavit; and these people who want to vote in another polling subdivision go up to the central office in the riding, in the municipality, and they want to know if it is not possible for them to vote here. One will say, "I cannot go that fifteen miles or five miles. I am working here. I cannot vote where my name is. Can I not get a transfer?" There are not many of them. Usually they have been able to get a transfer on the pretext of being an agent. What will happen in many cases is that the workers for the candidate will say, "Why, yes, we will get a transfer for you." They will get the transfer and when they go to the poll to vote, they are confronted with this affidavit. They cannot properly take it. It is very doubtful whether they will read it all over.

Hon. Mr. STEWART: Why can they not take it?

Mr. HEAPS: Why should anybody try to evade the act?

Mr. MCLEAN: They would not be trying to evade the act.

Mr. HEAPS: That is all they are getting the transfer for.

Mr. MCLEAN: They will not know. In ninety-nine cases out of a hundred they will not know that it is irregular. They will do this quite regularly and go in to get a transfer to vote where they are working because they have always done it.

Mr. HEAPS: Well, stop it.

Mr. MCLEAN: Well, I am not opposing this strongly; but I think the less feeling of injustice we have at election time, the better. Really, I do not think this is a practice that has been abused at all. I do not say that I would oppose that; but I doubt very much the advisability of having them subscribe to an affidavit after they get to the poll. In the meantime, they will have got the transfer.

Mr. FACTOR: That is the point.

Mr. MCLEAN: They will have the transfer and think they are going to vote. When they go to vote there is an affidavit put in front of them which they do not read; most of them do not read it. They will take the affidavit in nine cases out of ten quite properly. Take the voter who goes to the returning officer and gets a transfer to vote where he is working instead of where his name is on the list, then goes up to the poll and is confronted with an affidavit which he cannot properly take. I doubt very much the advisability of it.

The ACTING CHAIRMAN: It just happens that in some of the outlying parts of our constituency there are no men there that are available as scrutineers. In this affidavit that is taken now, as I heard it read, it means that he who takes the affidavit shall continue to act as agent at that poll.

Hon. Mr. STEWART: All day.

Mr. MCLEAN: Quite right.

The ACTING CHAIRMAN: If you wish the scrutineer to go to that poll, then you have got to give him a certificate or transfer to a poll other than where he votes and he is there as agent; and that often happens in outlying parts of the constituency. That is really the purpose of it.

Mr. MCLEAN: That will permit him to vote.

The ACTING CHAIRMAN: Yes.

Mr. MCLEAN: I am thinking of the man who cannot go as an agent.

Mr. HEAPS: There is no reason for it.

The ACTING CHAIRMAN: He takes his affidavit that he is there.

Mr. MCLEAN: That he is bona fide, that he is really an agent.

The ACTING CHAIRMAN: And that he intends to act as agent.

Mr. MCLEAN: That he intends to act.

The ACTING CHAIRMAN: If you cut that out, there would be no method by which you could put an agent into a poll; he might lose his vote.

Mr. MCLEAN: Oh, yes.

The ACTING CHAIRMAN: Because you would have no opportunity of voting elsewhere.

Mr. MCLEAN: Under the act as it is at present.

The ACTING CHAIRMAN: There are two agents.

Mr. MCLEAN: There may be two agents.

The ACTING CHAIRMAN: This affidavit is intended to cover that.

Mr. MCLEAN: In practice you may have one agent act, and you can appoint another agent who will vote but does not act.

The ACTING CHAIRMAN: Yes.

Mr. MCLEAN: This purports to prevent that.

Mr. HEAPS: Why should you appoint an agent who does not act?

Mr. MCLEAN: To permit him to vote where otherwise he would not be able to.

Mr. HEAPS: You should not attempt to do anything at all which is absolutely irregular.

Mr. ROBICHAUD: I understood at the last meeting when we discussed this point that the affidavit was to be taken before the returning officer before he could get his transfer.

Mr. FACTOR: That is the point. It is taken at the wrong end.

Mr. ROBICHAUD: I do say, if we are to have an affidavit, I think it should be taken before the returning officer before the man obtains his certificate. But on the other hand, I am inclined to agree with Mr. McLean. I would not want to appear as opposing Mr. Heaps all the time. But I come back again to the principle as laid down, as I see it, at the last meeting. After all, the thing that dominates always is the right of the man to vote. Now Mr. Heaps says it is only to evade the law. The law to my mind should be to give this right or to preserve this right to vote to any man who is a British subject and so on. It may happen that the man may be fifteen or twenty miles out from his own place on election day, and he cannot leave to go back and vote in his own polling division. He is a bona fide voter, and he has a right to vote in that constituency, whether he votes in polling subdivision number 1 or polling subdivision number 20. It seems to me that does not make any difference. It is in the same constituency. Under the act as it is he gets a transfer and votes as agent even although he has no intention of acting as agent. I do not see anything wrong in that, and I do not think it is abused. After all, as I say, the main thing to my mind is to preserve the right to that man to vote. I am inclined to agree with Mr. McLean. I think the law should be left as it is now. But, on the other hand, if you want to change it, I would suggest that the affidavit to be taken should be taken before the returning officer before the man gets his transfer certificate and not after he gets it.

Mr. MCLEAN: Then he could not vote.

The WITNESS: Mr. Chairman, may I read the oath that is now required to be taken under section 35:—

> I, the undersigned, make oath and say (or affirm) that I am the person described in the above transfer certificate. So help me God.

[Mr. Harry Butcher.]

That is the whole of the oath. Then I was instructed to prepare something a little more definite than that, and this is what I prepared:—

> I, the undersigned, make oath and say that I am the person described in the above certificate; that I am actually agent of (insert name of candidate); that it is my intention to act in that capacity until the poll is closed; that I have taken the oath of secrecy in form 17 of this act.

Then I was instructed by the committee to incorporate the oath of qualification, which is exactly what I have done.

Mr. ROBICHAUD: I think that oath or the first part of it should be taken before the returning officer. Then after he gets the transfer he goes and makes oath 17.

The WITNESS: I might say this oath is always printed on the transfer certificate.

Hon. Mr. STEWART: Mr. Chairman, it seems to me that we are sort of combining two things to the end that we are getting a bit confused. If we are going to make it easy for a person to vote, in cases where a person is some distance away from his poll—and there is something to be said for that—we approach the absentee vote proposition which we had in the old act and which we considered before in connection with this act. I think we decided that we would not do very much with that absentee proposition, and that is one thing that is being injected into this discussion. To come down to the appointment of an agent at a place other than where that agent votes—he goes, we will say, a good many miles away to act as the agent for one of the candidates. His name is not on the list in that polling subdivision. I cannot see any reason why he should not, before being able to vote, take the ordinary oath of qualification to vote; and that is omitted in this oath here. There is an extra clause in it that he intends to act all day as the agent. I do not know whether we might insist on that or not. But I think inasmuch as he has to vote away from his polling subdivision where the scrutineer, who will be attending there for the purpose of checking the votes, will not have the opportunity of checking this man's vote—I say inasmuch as he is going away from his home polling division and going into a strange place, he ought to take that oath of qualification.

Mr. ROBICHAUD: Yes.

Hon. Mr. STEWART: My recollection is that, under an act some years ago—I have worked on so many of these that I have forgotten which one—when you did act as agent at an outside poll, you had to take the oath of qualification in that poll.

Mr. ROBICHAUD: That is right.

Hon. Mr. STEWART: That is what is omitted in this.

Mr. ROBICHAUD: More than that, the man swears he is a bona fide agent and will act as agent all day.

Hon Mr. STEWART: He may swear he is an agent when he obtains the vote. But whether he shall act all day or not—possibly that may be struck out. I think possibly the members of this committee know that in some cases a man whose qualification is doubtful or possibly he is lacking qualification has asked to be appointed as an agent at an outside place where he may come in in the absence, as I say, of a scrutineer there who has instructions to swear them; he comes in and casts his vote. I know that has been done.

Mr. FACTOR: You mean he is not qualified to vote at all?

Hon. Mr. STEWART: Exactly—not a British subject. I have known men to come in to the committee—we might as well be frank about it—and say, "I am not a British subject. I am on the list." They are going to swear him in as an agent. They will report him as an agent over in the other one.

Mr. FACTOR: I think they take some form of oath on the back of the transfer certificate.

Hon. Mr. STEWART: He is on the list.

Mr. FACTOR: If he is on the list, he must be qualified.

Hon. Mr. STEWART: No, that is not conclusive proof of a man's qualifications. When a man comes to the poll you can swear him under this act as to his qualifications. There may be a hundred men on the list not qualified and your scrutineer is there for that purpose, of swearing A, B, C, D, E, and F.

Mr. ROBICHAUD: That is my point. He should swear as to his qualifications before he gets a certificate of transfer.

Hon. Mr. STEWART: I do not know that it really makes very much difference. He will not go to the returning officer. That is your objection. He will not go and get his transfer certificate. He cannot go. He is fifteen miles away, and he does not want to go down and make oath. You get your campaign manager to apply for his certificate. If you are gonig to make him go down and take the oath, you might as well make him go down to vote.

Mr. ROBICHAUD: It may not be in the same direction.

Hon. Mr. STEWART: It is in the same direction. He has got to go the same distance.

Mr. FACTOR: I think we can compromise this by just including in the formal vote the usual qualification oath without all those additional clauses that you have put in, Mr. Butcher. In other words, once he obtains his transfer certificate, what we are concerned with is that when he appears at the poll he is qualified to vote. I think that is what Mr. Stewart is driving at.

Hon. Mr. STEWART: Yes.

Mr. FACTOR: I think if we just put in the ordinary qualification oath that he is entitled to vote, that would be sufficient.

The WITNESS: That is just the ordinary qualification oath.

Mr. FACTOR: No, no. You have got more than that. You have got there that he intends to act as agent till the close of the poll.

The WITNESS: Yes.

Mr. FACTOR: I think that ought to be eliminated.

Hon. Mr. STEWART: I do not think he ought possibly to swear that he is going to act as agent all day. He ought to swear, I think, that he is the bona fide person named in the certificate.

Mr. HEAPS: May I ask this question of those who are willing to have this change put in: Suppose a person can just get a certificate and it is for the purpose of going out to cast his vote only. How many times a day can that be done in a poll?

Mr. MCLEAN: Once.

Mr. HEAPS: Let us make sure of that point. Can you have more than two agents in a poll?

The Acting CHAIRMAN: Two agents.

Mr. HEAPS: At one time, or the same agents?

Hon. Mr. STEWART: At the same election.

Mr. HEAPS: Can those two be the same agents for the whole day? Has the candidate got the right to change agents?

The WITNESS: Under the law as it is at present, two agents may act at any one polling station.

Mr. HEAPS: Just a minute. He has two agents. That does not mean to say that the two same agents—that you can change those two agents twelve times in a day? He may have twelve; he could have twelve different agents during the poll at the same day.

The Acting CHAIRMAN: Wait a minute. If you are correct, that leaves the door wide open.

Mr. McINTOSH: If he makes an improvement every time, it might be wise.

Mr. HEAPS: I want to make that point clear.

Mr. McINTOSH: If he makes an improvement every time that might be wise.

The ACTING CHAIRMAN: Mr. Heaps' contention is right. He can have two in the polling booth at any one time, but he may have twenty-four or a hundred during the day if he wants to.

Mr. McLEAN: I would not support my suggestion unless that other condition were changed. I was under the impression until a few meetings ago that a candidate could have only two agents. He may have more, he might have as many as he likes, but only two may act.

Mr. HEAPS: At any one time.

Mr. McLEAN: I think that should be changed. I would not support the suggestion I made unless that change were made.

Mr. HEAPS: Let us find out.

The ACTING CHAIRMAN: I do not believe there would be any objection to two agents provided they were the only agents during the day.

Mr. HEAPS: That is right.

The ACTING CHAIRMAN: That was my understanding.

Mr. MacNICOL: Two inside and two outside?

Mr. HEAPS: You do not count the outside ones.

The ACTING CHAIRMAN: You do not need to worry about the outside agents. The man who takes the declaration of secrecy and is in the poll acting as agent is the man you have to worry about. If Mr. Heaps' contention is right then you can have any number of agents so long as you have two in the poll at the same time. You can have a hundred a day. That raises a question which I think ought to be corrected.

Mr. MacNICOL: Mr. Heaps' picture is very good.

Hon. Mr. STEWART: It is extreme but I think it is a proper interpretation of the act.

The WITNESS: This is the way the section reads:—

> In addition to the deputy returning officer and the poll clerk, the candidates, and their agents not exceeding two in number for each candidate in each polling station,—

Mr. MacNICOL: Does it say "in" or "out"?

The WITNESS: "In."

> —and, in the absence of agents, two electors to represent each candidate on the request of such electors, and no others, shall be permitted to remain in the room where the votes are given during the time the poll remains open.

Mr. HEAPS: It is very indefinite.

Mr. CASTONGUAY: Section 44 states:—

> (2) No certificate issued to any election officer or agent for a candidate under section 43 shall entitle such election officer or agent to vote pursuant thereto unless, on polling day, he is actually engaged in the performance of the duty specified in the certificate at the polling station therein mentioned.

(3) No returning officer shall issue certificates under section 43 purporting to entitle more than two agents for any one candidate to vote at any given polling station, and no deputy returning officer shall permit more than two agents for any one candidate to vote at his polling station on certificates under section 43.

The ACTING CHAIRMAN: That is better. That meets your objection.

Mr. HEAPS: The definition just given by Mr. Castonguay meets my objection; but the wording Mr. Butcher gave us was very indefinite. We know returning officers in a poll sometimes become confused. It seems to me there should be some similarity in the two clauses and then there would be no confusion.

The ACTING CHAIRMAN: Yes.

The WITNESS: May I state that we propose an amendment to obviate the difficulty. This is the proposed amendment:—

(5) No more than two duly appointed agents shall be allowed to represent a candidate at each polling station. Forthwith on being admitted to the polling station each agent shall deliver his written appointment to the Deputy Returning Officer, and after such agent has taken the oath in Form 17 of this Act, he shall not be replaced or superseded.

Hon. Mr. STEWART: That is an amendment?

The WITNESS: To cover this very difficulty.

Mr. HEAPS: That is all right.

The ACTING CHAIRMAN: We now come back to the question of the oath.

Mr. FACTOR: In view of that we can simplify the oath.

The ACTING CHAIRMAN: If that clause in the affidavit were deleted would it meet the wishes of the committee? This is the suggested affidavit:—

I, the undersigned, make oath and say:—

That I am the person described in the above certificate; that I am actually agent of ————; that it is my intention to act in that capacity until the poll is closed;

Mr. FACTOR: No, strike that out.

Mr. MACNICOL: What do you want struck out?

The ACTING CHAIRMAN: "That it is my intention to act in that capacity until the poll is closed."

Mr. MACNICOL: It seems to me if there is not some qualification like that in the oath it could be used more or less to take the place of what is known as absentee voting, and the candidate could give the voter a great number of polling subdivisions—he could only give two at a time, but in the aggregate a great number. He could give certificates to voters to vote who had taken no part in the election whatever, and who ordinarily should go back to where they are on the lists to vote. I think there ought to be some safeguard there somewhere.

Mr. FACTOR: It does say he is the bona fide agent of the candidate.

Mr. MACNICOL: If he is not going to act he is not bona fide.

Mr. FACTOR: You cannot force him to act. Suppose he wanted to leave at noon.

The ACTING CHAIRMAN: The amendment proposed makes it clear that the candidate is entitled to two agents only. The idea in my mind, and what I have exercised, is this: in some places we had to appoint a man who was not in that poll as agent, because he could look after the poll better and he was a bona fide agent. The whole intention of this section was to see that he was a

bona fide agent willing to act in the poll and willing to take the oath of secrecy. It is not the intention of the act to cover a voter who does not intend to act as an agent, but is simply a voter. He should vote where he is entitled to vote. If you are going to appoint him as an agent of the candidate, in my judgment he certainly should act as agent.

Mr. MacNicol: I agree with that, too.

Hon. Mr. Stewart: If you do not do that you are building on a false premise. It is based on the word "act." If the agent does not intend to act as agent it is a subterfuge. I do not think you ought to build up any privileges on that basis.

Mr. Factor: I agree with you. He swears he intends to act as agent in the poll. Suppose one of the agents I appoint to a polling division desires to retire at noon—

Mr. Heaps: We are concerned with his intention.

The Acting Chairman: The oath says "It is my intention to act." If it does happen that he cannot act, the agent can not appoint another man in his place.

Mr. Heaps: The only thing that could happen is that he could not be replaced. I think it is perfectly right and proper.

Mr. Castonguay: Subsection 2 of section 44 reads as follows:—

> (2) No certificate issued to any election officer or agent for a candidate under section 43 shall entitle such election officer or agent to vote pursuant thereto unless, on polling day, he is actually engaged in the performance of the duty specified in the certificate at the polling station therein mentioned.

The Acting Chairman: Is the committee quite clear on that now?

Mr. Cameron: That is as it now stands?

Mr. Castonguay: Yes.

The Acting Chairman: Then, to go back to the question as to whether they shall be taken before the returning officer or the deputy returning officer.

Hon. Mr. Stewart: The deputy returning officer, when the voter comes to vote. If anything happens he does not vote.

Mr. Fair: I believe it should be a deputy returning officer in that case because in a rural constituency you might probably have to drive 150 miles to get the returning officer.

Mr. Heaps: I think that is right.

Mr. Factor: Would you mind reading that again?

The Acting Chairman: "This oath to be taken by the candidate's agent before being allowed to have the transfer certificate." Then, the suggested form says: "That it is my intention to act in that capacity until the poll is closed; that I have taken the oath of secrecy in Form 17 of this act—" Is that taken before the deputy returning officer?

Mr. Castonguay: The deputy returning officer.

The Acting Chairman:

> —that I am a British subject of the full age of twenty-one years; that I have been ordinarily resident in Canada for at least twelve months and in this electoral district not less than three months immediately preceding the..... day of..... 19.... (naming the date of the issue of the writ of election); that I have not before voted at this election either at this or at any other polling station; that I have not been employed by any person for pay or reward, in reference to this proceeding election, unless lawfully by an election officer, and that

I have not received anything, nor has anything been promised to me, either directly or indirectly, in order to induce me to vote, or to refrain from voting, at this election.

So Help Me God.

Mr. Factor: I do not know why you put that clause in the election act. That is an election offence.

Hon. Mr. Stewart: No; it is the ordinary oath of qualification that we make any voter take if he is challenged.

Mr. Factor: No, the last part.

Hon. Mr. Stewart: Yes. That is the ordinary oath that a voter has to take now.

The Acting Chairman: Here is the oath as it appears in Form 19:

> You swear (or solemnly affirm) that you are (name of the voter) whose name is entered on the copy of the list of electors now shown to you (showing copy of list of electors to voter); that you are a British subject of the full age of twenty-one years; that you have been ordinarily resident in Canada for at least twelve months and in this electoral district not less than three months immediately preceding the..... day of..... 19.... (naming the date of the issue of the writ of election); that you have not before voted at this by-election either at this or at any other polling station; that you have not been employed by any person for pay or reward, in reference to this proceeding by-election, unless lawfully by an election officer, and that you have not received anything, nor has anything been promised to you, either directly or indirectly, in order to induce you to vote, or to refrain from voting, at this election. So help you God.

Mr. Factor: You are right, Mr. Stewart.

The Acting Chairman: It is exactly as it is there now. The question of approving of the amendment is now before us. Are you ready for the vote that Form No. 22 be inserted in the act in regard to the oath?

Mr. Heaps: Taken before the D.R.O.?

Hon. Mr. Stewart: I will make that motion, Mr. Chairman, seconded by Mr. Cameron.

Mr. MacNicol: That would mean before either the returning officer or the deputy.

The Acting Chairman: No, before the deputy.

Motion agreed to.

Mr. MacNicol: Now, Mr. Chairman, while we are on that subject I have been wondering what the law is with regard to outside scrutineers. For instance in the last election I suppose one of my opponents did not know otherwise, and he appointed a raft of scrutineers. I believe he had three outside every poll, and as a voter would come up on the verandah or to the entrance of the residence at which the poll was held, one or two of these outside scrutineers would hail the voter and ask him his name or otherwise stop him. As it got near the closing of the poll in more than one case the outside scrutineer told the voters that there was a double poll and that the voters did not vote on that street. The scrutineer would say your name is on the list pertaining to the next street. By the time they got around there the poll was closed and they were unable to vote. In many states and in many countries there is a provision which prevents voters being interfered with on arriving at the polling place. If our act has not a provision along that line, I believe it should have.

The Acting CHAIRMAN: Mr. Castonguay informs me there is nothing in the act with regard to that. The act is silent on the question of scrutineers.

Mr. MACNICOL: In that regard I have in mind an elderly lady who arrived at the poll—I might say first in the case of the subdivision in which the lady lived there were more than 300 names, and there were two polls. One was, we will say, at No. 65 Jones Street—that is just a hypothetical name—and the other half of the poll was at 167 Lisgar Street. Now when the lady arrived at the first polling place, 65 Jones Street, the outside scrutineer on learning her name and knowing that she was normally of the opposite political faith to which the scrutineer belonged, told her that her name was not on that list; that the subdivision had been divided into two polls; that she would have to go to the other poll at such-and-such a place. By the time the lady arrived there the poll was closed and she did not vote. I am told that occurs frequently.

Hon. Mr. STEWART: You should have your scrutineer there to see that the lady casts her vote.

Mr. MACNICOL: All that means is that each candidate would have to have an equally large number of scrutineers.

Mr. MCINTOSH: Your point is to have that interference removed.

The ACTING CHAIRMAN: The act in regard to the enforcement of law and order puts the onus upon the deputy returning officer to see that voters are not impeded or misled with regard to the polling station; these powers are given him for the purpose of ensuring that order is maintained in the neighbourhood. Does that go as far as you want it?

Mr. HEAPS: What is designated a polling station, inside or outside?

Mr. FACTOR: Is there some provision in the act which states that an outside worker has to be so many yards away from the polling booth, or am I thinking of the municipal act?

Mr. HEAPS: Is there such a thing in our federal act as the recognition of outside scrutineers?

Mr. CASTONGUAY: No.

Mr. HEAPS: Why should we give them that designation? I would call them outside nuisances.

Mr. MCLEAN: I think the point raised by Mr. MacNicol is well taken, not that I have seen abuses in the way he has indicated, but where there are four or five people at the entrance to a poll outside all acting in good faith, there are, perhaps, three of those they call outside scrutineers who have really no official capacity. I think many of them have been given agents' certificates by the candidates and they think they have a right to stop voters simply to get their names and to find out who has voted. Now, when an old lady approaches a poll she does not know who is an official and who is not, and one of these gentlemen steps up and asks her name. I have seen them hold up a crowd for five minutes while they have been trying to find a name. Perhaps the list was not official. I have seen people turned away from the outside of the poll by these scrutineers who have acted quite innocently. The difficulty is that the deputies sometimes do not pay enough attention to what is going on around the poll. I do not think there is anything we can put in the act that will improve this condition. You might emphasize in the instructions to the deputies that this growing nuisance might be curbed, because, in some places, it is becoming a nuisance, particularly where there are two or three polling places in the one building with a common entrance. In such places there is always a jam and voters are held up for fifteen or twenty minutes by some stupid party workers whose lists may not be correct. They are trying to find out who is voting.

Mr. HEAPS: May I ask what the present law is with regard to molesting voters going to the polls? Is it an indictable offense?

The ACTING CHAIRMAN: "Any person who creates any disturbance or disorder may be arrested by the deputy returning officer himself, or by any other person at the deputy returning officer's direction. If it is advisable to detain any person so arrested he may be kept in custody until not later than 6 o'clock in the afternoon of polling day, either in the local jail or under the charge of some person specially appointed for the purpose. All that is necessary to make such detention legal is that the deputy returning officer should write on a piece of paper 'Hold (name of person arrested) in custody until (blank) o'clock this afternoon.'"

Mr. MCLEAN: I believe the whole difficulty could be overcome if the deputy were on his job and would look around the poll once in a while, and if there are too many so-called scrutineers outside he could tell them to get off the job and get out of the way. Unless they are quick enough and smart enough to get the names quickly without holding up the voting, the deputy should send them away. I think the whole stiuation is in the control of the deputy.

Mr. MACNICOL: For the deputy to do that he would have to leave his poll.

Mr. MCINTOSH: Is not the difficulty that the D.R.O's efforts are confined largely within the poll and he has not the opportunity to go outside and investigate what is happening outside the poll? Now, to overcome the difficulty spoken of by Mr. MacNicol I believe you would have to amend the law in some respect.

Mr. HEAPS: There is more than that involved. I do not know whether we have a right to interfere with people on the sidewalk because the sidewalks are public property under municipal control, but I have seen the sidewalks in front of houses where polls are located blocked with people who are acting for certain parties in elections and have prevented people from going inside. A very real difficulty arises. I do not know what power we have to disperse a small crowd that has congregated on the sidewalk. I do not think we could tell them that they have no right to be on the sidewalk. If we consider that they are molesting or interfering with the proper conduct of a federal election, I would like to see something done to prevent these people congregating outside the polls and interfering with people, who are exercising their proper function on election day.

Mr. FAIR: I had an idea somewhat similar to that of Mr. Factor to the effect that there was something in the act which prevented people from electioneering within so many feet of the poll during polling hour. If that is not in the Federal Election Act, then it is our Alberta Election Act. Possibly we could put a clause in the Federal Act which would prevent so-called scrutineers from molesting those who want to vote, or causing a disturbance around the polls.

Mr. WOOD: Have you not confused that with the matter of advertising within a certain distance of the poll?

Mr. MACNICOL: In the last election I did not use any scrutineers inside or outside.

Mr. CAMERON: Did you not have agents inside?

Mr. MACNICOL: No. I believe we had 181 polling subdivisions. With two scrutineers that would have meant 362 for the inside and the same number for the outside. In all, it would have called for seven or eight hundred scrutineers.

Mr. HEAPS: A little army.

Mr. MACNICOL: Yes. A regular army. Election day had not proceeded very long before I was telephoned to from a number of polling subdivisions and I was informed that voters were being interfered with. I went to four different subdivisions, and when I walked on to the verandah of one poll—I didn't

know the man and he didn't know me—he asked me for my name and where I resided. I said, "Who are you?" He said, "I am the outside scrutineer." I knew he was not acting for me as I did not have any scrutineers, so I said to him, "I do not think you have any business on this verandah; I am not sure; but I do not think you have any right to stand here and ask voters for their names or anything else, and I am going to report you to the returning officer." I called up my returning officer and he drove over to that subdivision and told the deputy returning officer that the verandah had to be kept clear. However, with 181 polling subdivisions I could not get around to them all. At the time I recalled the manner in which our municipal elections in Toronto are conducted. There is no interference with voters within fifty yards of the polling subdivision; that is, a voter within fifty yards of the polling subdivision cannot be interfered with; and I certainly believe that we should have some regulation in our act to prevent voters from being interfered with right at the door of a polling booth.

Mr. FACTOR: It is going to be difficult to enact a clause like that in the Federal Act.

Mr. MCLEAN: I do not think we should aim at preventing men standing at the doors and taking the names. Mr. Fair referred to canvassing. The act does prohibit canvassing. However, in my experience, this thing that Mr. MacNicol speaks of is not of a political nature. You could not tell to which party these chaps belong, and they are not canvassing. They are simply getting a list of those polling, and it is of considerable assistance in getting the vote out. Those who are doing their work well are assisting the election officials inside. The nuisances are those stupid and slow people, and the nuisance occurs at the entrance to the polling subdivision.

Mr. MACNICOL: Yes, and it often occurs inside.

Mr. MCLEAN: Right at the door. I think the deputy could control the situation. Those scrutineers do not intend to do any harm. All they are doing is getting the names of those who have voted and keeping headquarters informed of those who have not voted so that the vote can be got out. There is nothing intentionally wrong about it. The trouble to-day is that we have a multiplicity of candidates and a multiplicity of agents, and where there are three or four or five people all trying to get you marked off on their lists, considerable confusion results. I think the remedy lies with the deputy. He should be on the lookout for nuisances of that kind. It occurs in a small percentage of the polls only, and particularly in the cities. However, in the interest of getting the vote out and in the interest of the smooth taking of the vote, I do not think we ought to prohibit the placing of these men at the door for the purpose of checking the names. Unless they become a nuisance, I think the practice is a good one.

Mr. ROBICHAUD: I think there is another side to the picture. I know of people who are very glad to have scrutineers at the door. For example, a woman leaves her home to go to the poll. She is nervous as to how to vote. These men are there to instruct the voters, and women are very glad to have them there.

Mr. HEAPS: Mr. Chairman, these outside people are nothing but a nuisance. As far as being of assistance to the electors is concerned, all they do is impede them from getting into the poll to vote, telling them who to vote for.

Mr. ROBICHAUD: Oh, no.

Mr. HEAPS: I have seen it done. I have complained about it.

Mr. FACTOR: That is illegal.

Mr. HEAPS: The whole thing is illegal. They have no right to stop people going into the poll. As far as giving assistance is concerned, there are scrutineers inside who are willing to help any person, and there is the D.R.O. and his clerk.

Mr. ROBICHAUD: They are too solemn.

Mr. HEAPS: They are not too solemn. It is not as bad as having an old lady meet half a dozen men outside all accosting her and telling her how she has got to vote. Personally, I think our elections should be conducted in the cleanest possible manner and we should utilize the machinery which the government sets up for that purpose. I do not think we should have too much machinery set up by candidates or their agents, because the more we clutter up elections the more difficulty there is. With regard to the D.R.O. being on the alert and being able to go outside, I do not think that can be done, and we should not expect it from the D.R.O. He has all he can do to look after the electors inside.

An Hon. MEMBER: There is the constable.

Mr. HEAPS: I know the difficulty we had last year getting constables, and some of them have not been paid to this day. All I suggest is that we allow the elections to be run inside by the D.R.O. and his clerk and by the scrutineers who are on the inside and keep the outside clear of interference thus allowing the electors to go to the polls unmolested.

The ACTING CHAIRMAN: As far as disturbances outside are concerned, who has authority to do anything about that?

Mr. HEAPS: The D.R.O. can always handle that situation.

Mr. MACNICOL: I do not think the outside of the polling subdivisions should be cluttered up with a lot of agents.

Mr. FAIR: I agree with Mr. Heaps. Mr. McLean suggested quite a few things but he left out one class; he left out what you might call the bad class. The suggestion has been made that they give information. They may give right information or wrong information. I think that cluttering up the outside of the polling places should be stopped, and in doing so we will help to clean up our elections.

The ACTING CHAIRMAN: Would you say that the deputy returning officer has sufficient power? Here is the wording of the act:—

> Every returning officer, and every deputy returning officer, from the time he takes his oath of office until completion of the performance of his duties as such officer, shall be a conservator of the peace invested with all the powers appertaining to a justice of the peace, and he may
>
> (*a*) require the assistance of justices of the peace, constables and other persons present, to aid him in maintaining the peace and good order at the election; and
>
> (*b*) on a requisition made in writing by any candidate, or by his agent, or by any two electors, swear in such special constables as he deems necessary; and
>
> (*c*) arrest or cause by verbal order to be arrested, and place or cause to be placed in the custody of any constables or other persons, any person disturbing the peace and good order at the election; and
>
> (*d*) cause such arrested person to be imprisoned under an order signed by him until an hour not later than the close of the poll.

Are the powers wide enough there for a deputy returning officer to see that order is maintained not only in the polling station but if any complaint is made by anybody that they are being interfered with, to enable him to cope with it. Has he sufficient powers to enable him, or to justify him in giving instructions to his constable to prevent a nuisance of this kind, or even to invoke the aid of a justice.

Mr. FACTOR: There is that other section which you read a few moments ago which says that the D.R.O. has the right to see that no one is molested in or about a poll.

The ACTING CHAIRMAN: Those are instructions, the instructions given to him by the electoral officer.

Mr. MCLEAN: Is there any section in the act which prohibits persons from canvassing at a poll on election day?

Mr. CASTONGUAY: There is nothing in the act that prohibits canvassing at any time.

Mr. HEAPS: Could we not then put in a short clause or amend the one that is there, which will eliminate any doubt there may be with respect to the solicitation of electors who go to the polls on election day.

Mr. WOOD: I do not see how you can circle the act around with a sufficient number of provisions to take care of every possible contingency which might arise. As long as we have human beings they will be human beings, and human nature is the same the world over, and I do not think human nature is any better in the labour party than it is in the liberal party or in the conservative party either. We are just as anxious to have clean elections as any of the rest of you are. I will not take second place with anyone in that regard. You will notice that there is further provision along this line in suggestion No. 26, which provides that no information as to the names and numbers of the electors who have voted should come out of the polling station during polling day. If we do not have solicitation how is anybody going to find out who has voted and who has not voted?

Mr. MACNICOL: He gives it at the time he is approached by the agent outside the poll.

Mr. WOOD: But that is outside, they keep a record of those who have voted and pass it on to their principals. I know that if there were one of my very good friends who had not shown up to vote, or if there were one of my wife's friends who happened to be at a bridge party and had forgotten about getting out, I am sure that we would want to see that they got out. But, to frame a code of ethics to cover that adequately would I think not be possible. I could tell a story about that situation, but as these proceedings are being reported I think perhaps I better not.

Mr. MACNICOL: Oh, go ahead and tell your story—off the record.

Mr. WOOD: I don't think I better. But, when all is said and done I think there will be as much of the same thing on one side as on the other, and after all it does not amount to very much.

The ACTING CHAIRMAN: Does not the extent of your trouble really depend on your returning officer being aware of the extent of his duties?

Mr. HEAPS: Hasn't the D.R.O. any right to interfere with what is going on outside?

The ACTING CHAIRMAN: I would say he had.

Mr. HEAPS: I would think so, I think that is in the act now.

The ACTING CHAIRMAN: Mr. MacNicol, what do you suggest as a remedy for the situation you speak of.

Mr. MACNICOL: I really don't know, Mr. Chairman, what I really had in mind was election acts in other places, and I don't just recall where they are. Perhaps Mr. Butcher might help me on that by indicating where it is to be found. He knows what I have in mind.

The WITNESS: I have seen reference to this matter in some jurisdiction, but I do not remember exactly where.

Mr. MACNICOL: I have no objection to an outside scrutineer doing his duty and obtaining information, but I do not think such a scrutineer should have any right to interfere in any way with anyone entering the poll. I think someone should be responsible for seeing that the privilege is not abused.

Mr. WOOD: I think that is sufficiently provided for already.

Mr. FACTOR: Why not define the polling subdivision to include not only the room in which the voting takes place but also the premises in and about, say within 25 or 50 yards?

Mr. MACNICOL: Something along that line might work.

Mr. FACTOR: Then the D.R.O. would have jurisdiction.

The ACTING CHAIRMAN: In the act there is nothing to prevent canvassing, except with respect to a person who is not resident in Canada and who is found to be canvassing voters to vote.

Mr. MACNICOL: Suppose we have Mr. Butcher look up that item in the Acts that he has looked over; I mean, in reference to the control of the immediate vicinity of the poll. I think provision might be made in the act with respect to that.

The ACTING CHAIRMAN: Yes, if something were provided in the act that no canvassing should take place either in the poll or in the immediate neighbourhood.

Mr. CAMERON: It can't take place in the poll now.

The ACTING CHAIRMAN: I mean around the polling station, that no canvassing take place within a certain area around that.

Mr. MACNICOL: There would be a difficulty there in a case where a poll in a city might be held in a double house; if you were to set a definite area, even 5 yards might bring you into the other house where you would have no right to be at all.

The ACTING CHAIRMAN: Yes, that is a thing which might happen. Supposing we leave it to Mr. Butcher to find out for us what is done in other election acts and report back to us later. We will ask Mr. Butcher to proceed.

The WITNESS: Suggestion No. 27: "That Section 51(2) the act with regard to the presence of agents at the final addition of the votes, be clarified."

There has apparently been some misunderstanding as to the correct interpretation of this particular section. The section refers to the proceeding of the returning officer after the return of the ballot boxes and reads as follows: "After all the ballot boxes have been received the returning officer, at the place, day and hour appointed by his proclamation and in the presence of the election clerk, the candidates or their representatives, if present, or of at least two electors if the candidates or their representatives are not present, shall open such ballot boxes, and from the statements therein, returned by the deputy returning officers, of the ballot papers counted by them, add together the number of votes given for each candidate."

Some returning officers have thought that they must have two electors present to represent each absent or unrepresented candidate, and that it means that if there are say six candidates in the field they must have twelve electors present before they could proceed with the count. However, that is not the meaning of the section.

Mr. CAMERON: I don't think it means that.

The WITNESS: I don't either. I thought it could be clarified and I have a suggestion which perhaps might help to clarify it. I think perhaps an amendment of that character might help. I will read the amendment I have to propose, and which I think might possibly clarify the matter:—

> After all the ballot boxes have been received, the returning officer, at the place, day and hour appointed by his proclamation and in the presence of the election clerk, and of such of the candidates or their representatives as are present, or, if none of the candidates or their agents are present, then it shall be the duty of the returning officer to secure

the attendance of at least two electors and he shall then open such ballot boxes, and from the statements therein, returned by the deputy returning officers, of the ballot papers counted by them, add together the number of votes given for each candidate.

By Mr. Cameron:

Q. You put the obligation on him to get two electors?—A. He must secure the presence of two electors.

Q. Do you pay them?—A. That is a point that will be raised later on. This proposed amendment means there need be only two electors in all. If there were four candidates and any of the candidates or their agents not present, all that the returning officer would have to do is to secure the presence of two electors.

Mr. ROBICHAUD: It would be easy to get them. I think it is good.

Mr. CAMERON: I do not think any such contingency would ever arise, that there would not be enough interest in an election.

The ACTING CHAIRMAN: Isn't the act clear?

The WITNESS: I think it is, but apparently some of the returning officers have been calling in quite a number of electors, two for every candidate, where the candidates were not present or represented by an agent.

Mr. CAMERON: Even though feelings do sometimes run a little high at elections, the returning officers and their clerks without any exception are honourable gentlemen, and if there were never an elector present, or an agent or a candidate, I think they would count up the ballots correctly, open them up and give the results and make a correct return. I do not believe that we have any need of a dozen watch-dogs on our returning officers.

Mr. MACNICOL: The returning officers are all sworn to a proper performance of their duty.

The ACTING CHAIRMAN: The only advantage I can see in the arrangement is that it would operate for their own protection.

Mr. HEAPS: I think the section is fair enough. There have been times when there have been mix ups.

The ACTING CHAIRMAN: I would think that a returning officer for his own safety, even if the act did not provide it, would have someone there.

Mr. CAMERON: I look at it this way; if we could conceive of a constituency in which the candidates and their agents were so indifferent that they would not attend I think they deserve any trouble that may develop.

Mr. CASTONGUAY: I might state to the committee that this provision of the act worked very satisfactorily until the last election when conditions were extraordinary, on account of the absentee votes. The counting of the absentee vote, as you no doubt all know, was a very slow process, and in some electoral districts, especially in British Columbia, it took four or five days to complete the final addition of the votes. In some of the districts the candidates were not represented and the returning officer had to get two electors to attend for those four or five days and asked that they should be paid. Prior to the last election, however, that provision of the Act had worked out satisfactorily.

Mr. MACNICOL: And we have done away with the absentee vote. I would move that no change be made.

Motion agreed to.

The WITNESS: Suggestion 28 has already been decided on. Suggestion 29: "That the election clerk be authorized to issue transfer certificates." This was before the committee at an earlier meeting. I have looked up the 1930 act and find it was provided that an election clerk could issue a transfer certificate. The

section reads as follows: "Section 24A (3) of the 1930 Dominion Elections Act: Every election clerk shall, as such, have authority to issue, on behalf and in the name of the returning officer, any transfer certificate or advance poll certificate which the latter has power to issue under the provisions of this act."

Mr. HEAPS: I think the act of 1936 worked very poorly in the case of those people who wished to vote in advance polls. They had an enormous amount of work to do before they could exercise their franchise. You take in the district from which I come, they had to go probably two or three miles away in order to get a certificate to vote and then the next day they had to go back there and vote. I was just wondering why a person who is entitled to vote in an advanced poll should be put to all that trouble. I want to know why a person who is entitled to vote at an advance poll should have to get a certificate before he can vote?

Mr. MACNICOL: The reason for that is so that the D.R.O. in the polling sub-division in which he lives will be advised of the fact that he has voted at the advance poll and can be on the watch for any person who might attempt to vote in his name.

Mr. HEAPS: Why should we assume that all people are dishonest? All through these proceedings I have been taking exception to that stand; so far as I am concerned I think I know human nature pretty well and I prefer to believe that most people want to be honest.

Mr. MCLEAN: I think the suggestion should be accepted. I think it would be a real convenience for the clerk to have that authority so that if the returning officer does not happen to be in the office just at the moment when someone comes in, his clerk acting for him will have authority to issue transfer certificates. I think the question Mr. Heaps raises, comes up under another suggestion. But I would move that this be adopted.

Mr. HEAPS: It raises the whole question at this moment. If we decide against certificates for those who could vote at advance polls, then there is no need for the clerk to have power to do so.

Mr. MCLEAN: I think so far as this is concerned, it is absolutely essential.

The ACTING CHAIRMAN: This is the transfer certificate.

Mr. MCLEAN: Oh, I beg your pardon.

The ACTING CHAIRMAN: This is only the transfer certificate.

Mr. HEAPS: Are we dealing with the advance poll?

The ACTING CHAIRMAN: No, this is only transfer certificates.

Mr. HEAPS: Oh, pardon me.

The ACTING CHAIRMAN: This is giving power to the clerk to issue transfer certificates as well as giving it to the returning officer. Would that be all right?

Some Hon. MEMBERS: Sure.

The ACTING CHAIRMAN: Then that is carried.

(Carried).

The WITNESS: Suggestion No. 30 has already been dealt with.

No. 31: That when in an election the number of candidates exceeds ——— the ballot boxes used shall be twice the size of those ordinarily used.

The member for Verdun is interested in this suggestion.

Mr. WERMENLINGER: Mr. Chairman, about a month ago I explained the reason for this suggestion. Assuming that something should be done in this case, I presume it would be much cheaper to the treasury of this country to have larger size ballot boxes than to have different printed ballots, meaning for those ballots where there are many candidates the print should be of a smaller type

so as to have a ballot that would be easy to introduce into the ballot box, and then they would not make such large parcels in envelopes. In my last election where there were so many candidates the ballot naturally was printed with the same type as the other ballot. It therefore provided for a ballot about twelve inches long, Mr. Castonguay.

Mr. CASTONGUAY: At least.

Mr. WERMENLINGER: There are two inconveniences there. First of all, the opening in the ballot box is so small that in the morning I was called upon to provide tools and files so as to increase the size of the opening. You will imagine that I had some opposition and contradiction to that act. Nevertheless, we managed. But one of the big troubles came in the evening at closing. Eleven candidates, eleven ballots of extreme size caused such piling in the boxes, together with the ink bottles that were left and whatever was left—pencils and literature concerning the election—that most of the officers attending the election in this polling division had to tramp, use their feet, to be able to close those ballot boxes. That is part of the story. The returning officer had his troubles also when he had to officially report the result of the election. Then came the recount, with 178 ballot boxes in court. We had to do some labour to open those boxes before the judge. Now, as I said before, with ink bottles, pencils and so on in those boxes, and most of the envelopes torn, and bruised pencils introducing themselves around those ballots, my opponents or the attorneys of my opponents had an awful nice game showing the judge some of those ballots were already marked and that the secrecy of the vote had not been adhered to. So I say not only for the sake of the candidate, but for the expense—because you know the longer a recount lasts, the harder it is for the attorneys. As we all know to-day the law is that only $100 is required for a bona fide elector to ask for a recount and the recount lasts for about a week. The cost falls on the shoulders, of course, of the happy candidate, if you may call him that. No judge naturally will discriminate, but some judges may have different opinions when they see ballots marked up with ink marks or pencil marks or dust marks from feet. Although this suggestion stands under the name of the member of Verdun, I have the testimony of the member for London here in this house that although he did not have to stand for a recount, his officers in charge of the election had plenty of trouble also, and they only had seven candidates. So I will suggest that six be the limit to use the actual size of box that we have; and above that the box should be of larger dimension. I do not say it should be twice as large, because nobody can prophesy what the next election will be or how many candidates there will be.

The ACTING CHAIRMAN: Mr. Wermenlinger, Mr. Castonguay informs me that he has power to do that.

Mr. WERMENLINGER: According to law?

The ACTING CHAIRMAN: He has power to increase the size.

Mr. HEAPS: Could Mr. Castonguay, if it is necessary, not provide a second ballot box?

Mr. CASTONGUAY: It is very difficult, on account of the fact that a dominion election requires the use of over 32,000 ballot boxes.

Mr. HEAPS: I mean, in cases of necessity, could you provide them with a second ballot box?

Mr. CASTONGUAY: The act says one ballot box. One of the difficulties experienced in Mr. Wermenlinger's election was that, after the voting had gone on for about an hour, the deputies could not get any more ballots in the box.

Mr. HEAPS: They were stuffing them, were they?

Mr. CASTONGUAY: The ballot box would not hold any more; because once the ballots were put into the ballot box, they took quite a lot of space, and an ordinary ballot box only holds about one hundred ballots of that size. The

returning officer phoned me, and I told him that the only thing he could do in the cases in which the ballot box appeared to be full was to stop the voting temporarily and in the presence of the candidates' agents open the ballot box, tie the ballots in parcels and resume the voting.

Mr. HEAPS: Is it not possible that Mr. Castonguay could adopt that suggestion of Mr. Wermenlinger and have a smaller or thinner ballot paper?

Mr. WERMENLINGER: There is a disadvantage in that.

The ACTING CHAIRMAN: The act says:

> 28 (1) The chief electoral officer may cause to be made for each electoral district such ballot boxes as are required; or he may give to the returning officer such instructions as are deemed necessary to secure ballot boxes of a uniform size and shape.
>
> (2) The ballot boxes shall be made of some durable material . . . .

That pretty well meets your point.

Mr. MACNICOL: There could be an additional clause there that in a riding where there are more than seven candidates contesting an election, the ballot box be twice the size of the ordinary ballot box.

Mr. HEAPS: Mr. Chairman, I still think the difficulty could be overcome —because it is the exception, not the rule, that we are dealing with now—by providing that where there is a constituency where there is a large number of candidates running and the boxes are likely to be filled with ballot papers, the printing should be done smaller.

Mr. WERMENLINGER: Yes.

Mr. HEAPS: And on thinner paper. This is heavy paper, as a rule; and I think you could have one two-thirds the size of that.

Mr. WERMENLINGER: There is something in that. But, on the other hand, you must not forget that we have old voters and their eyesight is not so good; and as it is, the print is not too large.

Mr. HEAPS: They could see.

The ACTING CHAIRMAN: I think we should agree to this because Mr. Heaps is in favour of it this time.

Mr. MCLEAN: It seems to me that the chief electoral officer has authority on his own initiative, where there are seven candidates to have several boxes in a riding, without any amendment.

Mr. WERMENLINGER: There is no harm in that.

Mr. MACNICOL: I wonder if the committee should not consider re-opening the Verdun seat. The member says that some of the ballots were marked with feet and a lot of them were not in the ballot boxes, and the act says they must be in the ballot box; so that if the member wishes, we could have that seat re-opened and a new election down there.

Mr. HEAPS: I do not know whether he would wish it now.

Mr. WERMENLINGER: If there was no danger of a recount, it would not be so bad.

The ACTING CHAIRMAN: You are not asking for a ruling on that, Mr. MacNicol, are you?

Mr. MACNICOL: No.

The ACTING CHAIRMAN: Thank you. It is now 12.15. Do you know just where we are going to now or when the committee are going to finish? We are getting very near to the end of the session, and the question we should have a decision on is what we propose to do. You may know, Mr. Butcher, about that.

[Mr. Harry Butcher.]

The WITNESS: I do not know; but in talking it over with the chairman, he suggested that a report should be made as soon as possible after the Easter vacation.

Mr. HEAPS: Are there many more items to consider yet, Mr. Chairman?

The WITNESS: There are quite a number, but there are many of them which could be dismissed very readily.

Mr. HEAPS: Have you got a few which we could dismiss right away.

Mr. MACNICOL: Perhaps we could meet Monday.

The ACTING CHAIRMAN: It is now a quarter after twelve. What has been bothering me, and I suppose bothering most of the members of the committee, is what we propose to do. We have got a large number of suggestions made, and I suppose we will have to incorporate them in a report. But the question is as to what we are going to do as far as putting them in the act is concerned.

Mr. HEAPS: I think we have to adopt them in a report of some kind first and get the house to adopt it.

The ACTING CHAIRMAN: Yes. There will have to be a session for that.

Mr. HEAPS: I think after the house has adopted the report we could have the act amended and a new act submitted to the House.

The ACTING CHAIRMAN: You think we ought to deal with the act at the next session?

Mr. HEAPS: We could not amend the act here. All we could do, Mr. Chairman, as a committee, is to submit our report to the house and have the report adopted. If the report is adopted, the next logical step would be to have the recommendations put into the form of an amendment to the existing Elections Act.

The ACTING CHAIRMAN: Mr. Butcher has one or two more brief suggestions which we might deal with now.

The WITNESS: Suggestion number 33, that the Franchise Act should be repealed and the franchise provisions embodied in the Elections Act as in the 1930 Dominion Elections Act.

Mr. MACNICOL: What number is that?

The WITNESS: Number 33.

Mr. MACNICOL: The committee endorsed that quite a while ago.

The WITNESS: The motion that was adopted was that the principle of the 1930 Elections Act should be adopted—that a complete enumeration of voters should take place between the issue of the writ and polling day.

Mr. MACNICOL: The whole committee is unanimous in the abolition of the Franchise Act of 1934.

The ACTING CHAIRMAN: In order to keep the record clear, on number 31 we are doing nothing, but leaving it in the hands of the Chief Electoral Officer; that is about ballot boxes.

Some Hon. MEMBERS: Yes.

The ACTING CHAIRMAN: To keep the record clear, we are not doing anything; but the chief electoral officer has power now to attend to any exceptions that there might be.

Mr. WERMENLINGER: As the time comes in the elections.

Mr. HEAPS: Yes.

Mr. MACNICOL: I imagine he ought to have a certain number of boxes.

Mr. CASTONGUAY: I intend to get a supply of large boxes made, one for the east and one for the west, and I think I will be able to look after any electoral district where a large number of candidates have been nominated.

The ACTING CHAIRMAN: Mr. MacNicol, you say the committee are all agreed that we should go back to the 1930 Elections Act?

The WITNESS: May I read the actual motion adopted? The Chairman said, "We have a motion before us that we revert to the principle of the 1930 act instead of having permanent lists and annual revisions." Motion agreed to.

Mr. MACNICOL: Yes.

Mr. HEAPS: Is there to be another motion now?

The WITNESS: That is a matter for the committee to decide.

Mr. HEAPS: It has decided the point, anyway.

The ACTING CHAIRMAN: It is agreed?

Some Hon. MEMBERS: Agreed.

The ACTING CHAIRMAN: Suggestion No. 33 is agreed to. Now we come to 34.

The WITNESS: Suggestion No. 34 is that registrars of vital statistics should be required to forward record of deaths of persons—

Mr. MACNICOL: That is not required now.

The ACTING CHAIRMAN: Suggestion 34 is not required.

The WITNESS: Suggestion No. 35: "That all residents should be notified by postcard of pending revision." I might point out to the committee that I am reading these suggestions because it was agreed at the last meeting that every suggestion should be read whether it has been dealt with by the motion already referred to or not.

Mr. MACNICOL: I think that would be covered by the new regulations.

The WITNESS: Yes, it is. The next one is number 36, that brief particulars of revision should be published in local newspapers and over the radio. That also comes out, does it not?

The ACTING CHAIRMAN: Yes.

The WITNESS: The next is 37, that all registrars of electors should be supplied with a map of Canada showing electoral divisions; they should also be supplied with a post office guide.

Mr. HEAPS: What about the expense? What does that really mean. Mr. Chairman?

Mr. CASTONGUAY: I believe this suggestion was made so that the registrar in making a transfer from one electoral district to the other may have a map of the other electoral district in order to make his transfer properly.

Mr. ROBICHAUD: Before we deal with this new suggestion I might say that it was announced at the close of the last meeting that we would deal with suggestion 13 with regard to the synchronizing of the hour of voting.

Mr. MCLEAN: I think that should be dealt with when we have a larger committee. This is a very important matter. I think the maritime members are perhaps more interested than anyone else. I believe we ought to deal with this when there is a full committee.

The WITNESS: I was under the impression that this suggestion would come up only after Easter after discussing it with Mr. Castonguay this morning. We both had that idea, I don't know where we got it.

Mr. MCLEAN: In connection with 36 I wonder if it would not be of great value sometime shortly before the election, perhaps six weeks before, after the writ of election, on two occasions to have a brief announcement made as concise and simple and clear as possible in connection with enumeration, so that the people in the country would know just what is being done. As it is we are

repealing the Franchise Act. There will be very very few people who will really understand the workings of the Election Act, and there will be all sorts of people who think they know all about it, instructing other people. Various newspapers will have articles, some of them inaccurate, some of them misleading. If it would not cost too much, and if it can be done I believe we should have two broadcasts arranged by the Chief Electoral Officer particularly in regard to the enumeration and revision and any other vital matters that he thinks would be advisable. I believe we ought to use the radio for that purpose. This is just a suggestion. I am not suggesting that we act on it now, but I throw it out as a suggestion.

Mr. WOOD: Don't you think the newspapers will cover it better than the radio?

Mr. PURDY: I believe the newspapers will reach far more people than a broadcast would.

Mr. MACNICOL: How are you going to get it in unless you put it in as an advertisement?

Mr. MCLEAN: You do not know what they are going to put in. Many newspapers get things inaccurate. I think the Chief Electoral Officer or someone instructed by him is really the only one that is competent to give in concise and clear terms what I have in mind.

Mr. PURDY: I believe if we gave a statement to the newspapers they would publish it, would they not?

Mr. WOOD: And fix a rate at which they should insert it.

Mr. CASTONGUAY: In the special By-election Act passed last year there is a provision for the publishing of notice of revision in the newspapers.

Mr. WOOD: Is the rate fixed?

Mr. CASTONGUAY: The rate is taxed by the King's Printer.

Mr. HEAPS: Election rates?

The Acting CHAIRMAN: Would you mind leaving that for the moment and clearing up the other suggestions we have here. We are now on 38.

The WITNESS:

> Defining boundaries of polling divisions should be the work of the Registrar of Electors rather than that of a returning officer.

That is out. We come now to suggestion No. 39:

> That lists of electors both in rural and urban districts should be closed, but should only be prepared shortly before an election.

That has already been dealt with.

> **40. That each sheet consisting of the official lists of electors for a polling division shall bear an impression made by the returning officer's official stamp.**
>
> 41. That after the words "official stamp" in Section 15, the following words should be inserted: "which may be in the form of an Electro or Printers' block."

Mr. Castonguay wishes to speak on this suggestion.

Mr. CASTONGUAY: I think the use of the official stamp on the ballot papers should be discontinued. I am referring to stamping the ballots with a rubber stamp. In stamping a ballot with a rubber stamp it is very difficult to make the impression without leaving ink marks on the front of the next ballot. I have here three specimen books of ballots. This one (indicating) has been stamped very carelessly, and the impression shows on the face of each following ballot. This one (indicating) has been fairly well done, but there is a mark

on the face of almost every one of them. The third one I have here has been done in the right way. To have the ballots clean after each impression involves the putting of a piece of blotting paper under each impression in order to be sure that the rubber stamp ink will not show on the face of the next ballot. Ballots not bearing the returning officer's stamp have been ruled good by a judge of the Court of Appeal of Montreal. I refer to the Yamaska case. In 1930 there were, I believe, one hundred ballots found on the recount not bearing the returning officer's official stamp. The recount judge threw these ballots out. The matter was brought up before a judge of the Court of Appeal and he ruled that these ballots should be counted. The recount was reopened and the unstamped ballots were counted.

Mr. HEAPS: Were they initialled?

Mr. CASTONGUAY: I am not sure about that.

Mr. HEAPS: Do we not insist upon them being initialled?

Mr. CASTONGUAY: The act calls for the initials of the deputy returning officer.

Mr. HEAPS: That is what we want.

Mr. CASTONGUAY: The stamping of the ballot is an obligation put on the returning officer at a time when he has many other more important duties to perform. Nomination day is on Monday and the returning officer gets the ballot boxes out on Wednesday or Thursday and he has to get them to his deputy returning officers before Saturday. While this is going on he has this stamping to do. In electoral districts as many as 80,000 ballots have to be stamped.

Mr. HEAPS: They do not do it in provincial elections or municipal elections.

Mr. CASTONGUAY: I could not say it is not done in provincial elections.

Mr. HEAPS: I am sure of it.

Mr. CASTONGUAY: It is a very very onerous task at a time when the returning officer has very many other important things to do. The ballot paper supplied to the returning officer is in this form (exhibiting). This ballot paper is made to order; it has a watermark and these black marks are printed by the King's Printer. With this printing and perforating done in advance I do not believe there are many printing places in Canada that could turn out paper exactly of the kind supplied by the government. The rubber stamp is obviously to prevent the substituting of other ballot papers. I think it is quite safe without the rubber stamp. It adds to the returning officers's work, and I think it is unnecessary. If an electro of the same design as the stamp was furnished to each returning officer to be printed on the back of the ballots at the place where the rubber stamp was impressed before, it would, I believe, meet the situation.

Mr. HEAPS: I believe the signature or the initials of the D.R.O. are sufficient on the back of the ballot. I do not believe it is necessary to have a stamp at all. Elections are conducted in this country provincially and municipally and it has been found sufficient. I do not see why we require a stamp at all. Are rubber stamps required by the act at the present time?

The WITNESS: Yes.

Mr. HEAPS: I move that we abolish the use of stamps in federal elections.

Mr. MACNICOL: I do not know whether I shall support Mr. Heaps' motion or not. The stamp had some merit in it, and I should like to ask if a returning officer when he supplies the ballots to the printer could not supply a government electro for the use of stamping the ballot on the back. If that was done it would eliminate the necessity of the returning officer doing the stamping, and would really meet the situation. If you do not put something on it there is nothing

on the back of the ballot to show that it is an official ballot. I was wondering if the returning officer could not provide each deputy returning officer in the riding with an electro instead of the stamp that is supplied now?

Mr. HEAPS: There would be quite a lot of work involved in getting them ready.

Mr. MACNICOL: There are only 245 ridings.

Mr. CASTONGUAY: There would be no more trouble in getting the electro than getting the rubber stamp.

Mr. MACNICOL: It could be stamped on at the time the ballot was being printed. The impression could show that this is an official ballot of the riding of the North Pole.

Mr. MCLEAN: Would that involve extra cost?

Mr. CASTONGUAY: Very little.

Mr. WOOD: Do I understand you send these blanks to the returning officers and the printer in the locality prints the ballots? How would he know where to put it?

Mr. CASTONGUAY: In printing the ballots the printer would be shown where the electro goes. There would be plenty of time to get the electro since it cannot be used until after nomination day.

The ACTING CHAIRMAN: Are you ready for the question?

Mr. HEAPS: I am quite prepared to accept Mr. MacNicol's suggestion in regard electro plates instead of the other method. Mr. MacNicol can make his motion and I shall withdraw mine.

Mr. CASTONGUAY: A special electro plate for each election with a design something like the rubber stamp containing a description relating to the election day and the year and the electoral district could be supplied.

Mr. HEAPS: I withdraw my motion.

The ACTING CHAIRMAN: Mr. MacNicol moves seconded by Mr. Heaps that we substitute electro plates for rubber stamps.

Motion agreed to.

The WITNESS:

> 42. That after the words " day prior to the day fixed " in Section 26, the following words should be inserted " not counting Sundays."

Section 26 provides that:—

> Each deputy returning officer shall, if practicable, furnish to the returning officer, not later than ten o'clock in the morning of the day prior to the day fixed for polling, the name and occupation or addition of his poll clerk; and the returning officer shall, not later than twelve o'clock noon of the day prior to the day fixed for polling, post up in his office and as well forward to the Chief Electoral Officer a list of the names and addresses of the deputy returning officers and poll clerks, with the occupation or addition of each, showing the polling station where each is to act, and shall permit free access to and afford full opportunity for inspection of such list by any candidate, agent or elector up to at least six o'clock in the evening of the same day.

This entails quite a lot of work for the returning officer on the Sunday preceding the day of the election and it should be avoided.

Mr. MACNICOL: I think it should be, too.

The ACTING CHAIRMAN: There will be an amendment in regard to that.

The WITNESS: I have a proposed amendment dealing with this very matter. The amendment will be known as New Section 26:—

> Each deputy returning officer shall, if practicable, furnish to the returning officer, not later than six o'clock in the afternoon of the Saturday immediately preceding polling day, the name, address and occupation of his poll clerk; and the returning officer shall, not later than seven o'clock in the afternoon of the Saturday immediately preceding polling day, post up in his office a list of the names and addresses of the deputy returning officers and poll clerks, with the occupation of each, showing the polling station where each is to act, and shall permit free access to and afford full opportunity for inspection of such list by any candidate, agent or elector up to at least ten o'clock in the evening of the same day.

Mr. MCLEAN: What is the necessity for supplying the returning officers with the name of the clerk?

Mr. CASTONGUAY: In order that the returning officer may be able to inform candidates who will be poll clerk at the various polling stations.

Mr. MCLEAN: Is there any real necessity for that?

Mr. MACNICOL: Oh, yes, everybody likes to know that.

The ACTING CHAIRMAN: Are the members in favour of the proposed amendment?

Mr. MACNICOL: That has reference to the Saturday prior to the election. I thought we got the names of the clerks earlier than that.

Mr. CASTONGUAY: You get the list of names of deputies earlier than that, but it is very difficult to get the names of the clerks before that time.

Mr. MCLEAN: I do not see the necessity for knowing the names of the clerks.

Mr. MACNICOL: The necessity is that at the next election you as the member for your riding and being a government riding will name all the clerks, and you would like to know that you are getting all the clerks you are entitled to.

Mr. CLARK: I will move the adoption of the amendment.

Mr. ROBICHAUD: I will second it.

(Suggestion agreed to.)

The WITNESS: Suggestion No. 43. That after the word " person " in section 37 the following words should be inserted, " No matter in what polling division he or she may reside or be an elector." Section 37 reads as follows:—

> Subject to the exceptions stated in the next following subsection, every person employed by any person for pay or reward in reference to an election in any electoral district shall be disqualified from voting and incompetent to vote in such electoral district at such election.

These words are added, "No matter in what polling division he or she may reside or be an elector."

Mr. MCLEAN: That does not add anything.

The ACTING CHAIRMAN: Moved by Mr. MacNicol, seconded by Mr. Heaps, that the suggestion be negatived.

(Carried).

The WITNESS: Suggestion No. 44. That after the words "shall publish," in section 63-(5), the following words shall be inserted "in the form prescribed by the chief electoral officer."

Subsection 5 at present reads:—

> The returning officer, within ten days after he receives from the official agent any return of supplementary return respecting election expenses, shall publish at the expense of the candidate a summary thereof with the signature of the official agent thereto in one and the same newspaper published or circulated in the electoral district wherein the election was held.

It is now suggested that the publication shall be in the form prescribed by the chief electoral officer.

Mr. CASTONGUAY: That is the way it is done now.

The ACTING CHAIRMAN: It is moved by Mr. Robichaud and seconded by Mr. Cameron that the suggestion be adopted.

(Carried).

The WITNESS: No. 45. This is not necessary, but I will read it:—

> That in section 94(4) it should be clearly provided that the advance polling station be established within the electoral district.

Section 94, subsection 1, really does establish that.

(Suggestion dropped).

The ACTING CHAIRMAN: No. 46.

The WITNESS: "That all oaths of electors subscribed on polling day at the polling station should be in the form of an affidavit."

Mr. CASTONGUAY: This would mean it would take a long time to record the vote of the electors.

Mr. CAMERON: I move that it be dropped.

(Suggestion negatived).

The WITNESS: Suggestion No. 47. "That the owners of buildings used as polls in rural polling divisions be paid as much as those for urban polling divisions—namely $10."

There are 16,130 of them and that would result in a further expenditure of $64,000.

Mr. MCLEAN: What is the amount paid now?

The WITNESS: $6.

Mr. WOOD: I recommend that we adopt this suggestion. I do not know why there should be so much discrimination. Maybe $10 is too much, but if it it too much for the farm woman who has her house to take care of then it is too much for anybody in the city. If we want to save money, let us save it.

Mr. MACNICOL: In the cities the polls are usually held in the parlour or in the dining room or in rooms that are carpeted, and the halls are usually carpeted, and I have no doubt that anyone who has had a polling subdivision in his residence on a muddy election day would have to send the rugs out to be cleaned afterwards. We have a great deal of difficulty in getting places to establish polling booths in the cities. I do not know whether that is true of the country.

Mr. WOOD: I would like to say that the farm women are as anxious to keep their houses in good order as anyone else, and they have just as much trouble in cleaning up after an election. There has been too much of this discrimination all the way down the line—not that I care very much, but it is very unkind that these things should continue without somebody drawing attention to them.

Mr. CASTONGUAY: It might be possible to have a uniform rate. There is a uniform rate established for provincial elections in Ontario. In the province of

Ontario the rent of a polling booth is $8 if only one poll is held in the same house; and $4 per poll for every additional poll held in the same building and that applies to both urban and rural polling divisions.

Mr. WOOD: Generally speaking in the rural districts public buildings are utilized as much as possible—school houses and buildings of that character—but if a farm woman has to use her house as a polling booth I do not see any justification for any difference in compensation.

Mr. MACNICOL: No. I was not arguing that there should be any difference in the rate between country and city polling stations; but in the country the school is, as a rule, the usual location of polling places.

Mr. FAIR: I agree with Mr. Wood in this regard. In addition to what he said, I would offer one more suggestion which I think should be considered: that is that where a poll is held in a farm home, in many cases an epidemic is brought into the home. That has happened in different instances in polls in the west. I do not think there should be any difference between city polls and country polls in respect of the amount paid for the same accommodation.

Mr. MACNICOL: As a rule in Ontario, as far as I know, the schools have been used as polling places in the rural sections.

Mr. WOOD: Yes, but there are also many homes used. Some farmers even serve a lunch.

Mr. FAIR: With regard to the matter of carpets, that shows no more than that the city woman possesses comforts which the country woman does not.

Mr. MACLEAN: I do not think the framers of the act intended any discrimination. Surely it is a matter of values. We all know that if we go to rent a hall of the same size and fitness in the city and in the country that the rents are much higher in the city.

Mr. WERMENLINGER: And there are electric lights also.

Mr. MCLEAN: No matter how much you desire to equalize rents you cannot do it. In towns of 8,000 many of the polls, must, of necessity, not be in the residences but in buildings located in the business sections, and you cannot secure voting accommodation of a suitable type in those areas at the same rent as you can in the country. I am not saying that the amounts paid are correct at present. I do not know whether they are or not. But certainly if you are going to make a flat rate for all Canada, then the government is going to pay much more than is necessary. It is a matter of the market value of rentals in the different places; it is not a question of discrimination.

Mr. WOOD: Of course, on the other hand, the government should have authority, if there was any objection in any particular community to the location of a polling booth, to expropriate for that day. If we are going to have a law let us have a law, but let us have the law equal. I do not see that there can be any objection to that.

Mr. MACNICOL: The returning officer has that authority now.

Mr. CASTONGUAY: The returning officers have difficulties in places like Westmount and in the better residential sections of Toronto and elsewhere to secure premises for polling stations. In some places it has been impossible to secure them, and I have instructed returning officers on many occasions to erect tents where a polling station was desired. In such cases nobody wanted the poll even at the rental of $10.

Mr. WOOD: If the people are not interested I would say we should disfranchise the polling division.

Mr. MACNICOL: Oh, no.

The ACTING CHAIRMAN: The question is whether we are going to equalize the amount paid in rural and urban polling stations.

Mr. FAIR: I move that the amount be equalized.

The ACTING CHAIRMAN: It is moved by Mr. Fair and seconded by Mr. Cameron that the amount be equalized.

Mr. FAIR: If you want to keep the amount down, I do not see any reason why there should be so many stations.

Mr. MACNICOL: I do not think we are looking at this suggestion in the right manner. The point has been raised here that the country has been discriminated against. Now, certainly, no one ever intended anything like that. So, if the committee is going to consider this matter on the basis that the people in the country are being discriminated against we are all going to vote to give the country the same rate as the city. But are we using our best judgment in this matter. I think Mr. McLean has explained it very clearly. There is a reason why the rate should be higher in one place than another. I am not saying that it should be, but I do know this that in many polling subdivisions it is almost impossible to obtain places in which to hold the poll. In my own polling subdivision in the last election the returning officer went to my neghbour and begged him to let the poll be held in the hall of his house, but could not induce him to do so. The poll was eventually held away off on another street in a place where the voters had to go up a flight of stairs on the side of the hill to vote. I am sure that had a protest been made against holding the poll in that residence where the voters had to ascend a flight of outside stairs the returning officer would not have permitted the poll to be held there. Whether a condition like that applies in the country or not I do not know. I used to live in the country. I lived in the country until I was a young man. My recollection is that the poll was usually held either in a school, as regards that particular poll, or in the carriage shop. If the committee wants to throw away—what is the amount?

The WITNESS: $64,000.

Mr. WOOD: I appreciate what Mr. MacNicol has said. I believe that the principle of business should apply to the administration of government affairs as well as to the administration of anything else; on the other hand, I would like to direct attention to the remark of Mr. McLean that there is a difference between rents and values in one section and in another section, and that we have a right to pay for value. But that does not answer the question. We could argue this matter and there would be just as good arguments on one side as on the other. I take the view that the reason why rents are lower in the country is that we have been satisfied with our economic condition which has forced us to accept so many of these low values, and in comparison with other things. They come in with the argument and say that rents are lower. It is not that they should be lower. They are lower. The rural mail carrier delivers mail and he furnishes the automobile or horse or whatever the case may be, and he will do it for less than half of what the postal clerk will deliver it for in the city, who has got a cement sidewalk and where they furnish him with his boots and his suit of clothes. But at the same time, is that any argument? The thing is this: We are all citizens of this Dominion of Canada, and I am telling you this, that I rise when they start to discriminate against our farm women. Don't you ever worry, our farm women have made their contribution to the wealth of this country just as much as the men; and if they had the opportunity they would like to have hardwood floors and Turkish rugs in their front parlours if they could afford it. It is just as difficult for them to replace even the old rag carpets in the farmhouse, and I think they are entitled to have as much reward for it. That is the basis I argue on. I grant you that in most cases in the rural sections we do use the public buildings, and I am satisfied that there would not be over 10 per cent in my constituency where the poll would be polled

in homes. I would say 10 per cent or 15 at the outside would be a fair good average where homes are used. But when you take that 15 per cent of rural polls, I do not wish to see them discriminated against just on the ground that I have suggested.

Mr. MacNicol: The poll which is held in a rural home should receive the same rate as in the city.

Mr. Wood: Thanks very much.

Mr. McLean: In the constituency which is described, that is rural, is it $6 in the whole constituency?

Mr. Castonguay: Before the committee comes to any decision on that point, I wish to state what the rates are. The allowance paid for rental in an urban polling division is $10 for the first poll and $5 for any additional poll held in the same building. In rural polling divisions the rate paid at the last election was $6 for the first poll and $3 for any additional poll held in the same building. Now, with the limit of population required in any place to have urban polling divisions reduced to 3,500, there will be less discrimination than there was in the 1930 election.

Mr. Cameron: Does anyone know how the Ontario provision works out so far as procuring polling booths are concerned—$8 and $4.

Mr. MacNicol: It is almost impossible to get polls in places.

Mr. Castonguay: I have not heard how the thing worked out.

Mr. McLean: I want to get clear on this. Under the act as we are amending it, what would be the rate payable for a polling sub-division in a rural riding, in an urban part of that riding? For instance in a town of 7,000, what would the rate be?

Mr. Castonguay: The difference lies in the fact that the rural polling division is rural or urban. If it is urban—all urban polling divisions, no matter if they were in places of 2,000, were entitled to the higher rate.

Mr. Robichaud: Where they are classed as urban.

Mr. McLean: That would mean that the amendment we have made to the act changes the rate paid in places over 3,500, does it not? It changes it. Well, Mr. Chairman, I do not think that any increase in rates for polling places is justified at all. In my riding some of which consists of towns of 7,000, 8,000 and 9,000, and most of which is country, there is no difficulty in getting polling places at the present rates—none whatever. And any increase in rates paid for that purpose in that riding will be very severely criticized. I think any change we ought to make would be a change which would be in the direction of keeping the rental at the same level that it was before, rather than increasing it by that amendment. I think we are not justified in an increase, and for any increase we make in my riding I would be severely criticized, for increasing unnecessarily the rentals. I think the argument of discrimination between the country and the city and the question of what rents are paid in the city is away from the point altogether. There are all sorts of conditions, over which nobody has any control, which regulate rent. There is no use of going into that. There are local improvement rates in front of some of the residences in the city. That is another phase that constitutes a rental higher than country rentals for the same purpose. I think that is altogether apart from the point. I am not prepared to move a resolution now because I have not the facts at my finger ends. But I think that the rates ought to remain the same as they were before; that is, that the act ought to be so worded that our amendment changing the designation of rural and urban polls ought not to raise the rents paid for polling places.

[Mr. Harry Butcher.]

The ACTING CHAIRMAN: That is the effect of the vote. The vote is that it shall be equalized, and if the committee decides that it shall be equalized, then, of course, that raises it. But if the committee decides to the contrary, it leaves the act just as it stands now.

Mr. FAIR: I move the equalization at $8 in order that the cost will not be changed very much either way. When you come to compare country and city polls, you have got quite a field to look into. If you take the country away, take the rural districts away, you will have no cities in a very short time. I think you realize that.

Mr. MACNICOL: And we realize the other too.

Mr. FAIR: If you have not realized it, I think you have got to realize it before you have got very far with this. Just as soon as you take the country away you will take the city away too. I think you have got to realize that.

Mr. MACNICOL: A better way to put it would be that the two are dependent on each other, 100 per cent equal.

Mr. FAIR: That is so. If you take the country away, you are going to take the city away.

The ACTING CHAIRMAN: We will not get any farther in that argument to-day. Let us get to the point.

Mr. CAMERON: I think, Mr. Chairman,—

The ACTING CHAIRMAN: Mr. Fair has not finished.

Mr. FAIR: I have not got very much to say. But I do think that the fact that farm values are lower to-day, far lower than they should be, is no reason that we should be discriminated against in this way.

The ACTING CHAIRMAN: Do not let us mistake this. The question here before us is raising up the rural polling divisions to $10. That is all we have got to deal with. It is not a question of the amount.

Mr. FAIR: Raising us to $8 and cutting the others down to $8.

The ACTING CHAIRMAN: That is not what we have before us.

Mr. RICKARD: What is it for urban polls in towns—$10

The ACTING CHAIRMAN: $10 for the first.

Mr. RICKARD: Incorporated villages and towns were $10 for the first poll?

The WITNESS: Yes. They were mostly towns and cities of 10,000 population.

Mr. RICKARD: What about small villages and towns?

The WITNESS: They were classed as rural polling divisions and the rent paid in small villages was $6 only.

Mr. RICKARD: I do not believe the committee would be well advised to raise this to $64,000.

Mr. MACNICOL: $64,000.

Mr. RICKARD: Yes, $64,000. That is too much money, I think. I do not think we would be well advised to that at all.

The ACTING CHAIRMAN: Are you ready for the question?

Mr. FAIR: I am not quite clear on this. My amendment was to equalize it at $8; that meant to increase the country rental and decrease the city rental to the same extent.

The ACTING CHAIRMAN: The proposition here is that the owners of buildings used as polls in rural polling divisions be paid as much as those for urban polling divisions, namely, $10.

Mr. WOOD: Leave it at $10, and let us get on.

The ACTING CHAIRMAN: You are making an amendment that that should be $8?

Mr. FAIR: $8.

The ACTING CHAIRMAN: For each?

Mr. FAIR: Yes.

Mr. CAMERON: I agree with that amendment, and second it.

The ACTING CHAIRMAN: Are you ready for the question, or do you think we have a sufficient number here to decide the matter?

Mr. MACNICOL: We certainly have not.

The ACTING CHAIRMAN: It seems to me that this is perhaps a thing which is of great importance, and one we should not deal with in the small committee present.

Mr. MACNICOL: Surely the members from the city know the problem we are up against.

The ACTING CHAIRMAN: I make the suggestion that we hold this over until the next meeting.

Mr. MCLEAN: Any way, Mr. Chairman, I think it is the desire of the committee to report something to the house that will commend itself to the government. I can hardly imagine a government which wants to retain power and which wants to govern the country, which would advocate or permit an extra absolutely unnecessary expenditure of $64,000 of this kind. I think we should leave it over.

The ACTING CHAIRMAN: Is it the wish of the committee to take a vote?

Mr. RICKARD: I think we should take the vote.

The ACTING CHAIRMAN: All right. The question is that the rents for buildings in rural and urban polling divisions shall be equalized at $8 for all. Will all in favour please signify?

Mr. MACNICOL: Not $8; just equalize.

The ACTING CHAIRMAN: Each $8.

Mr. MACNICOL: No.

The ACTING CHAIRMAN: Yes, Mr. Fair's amendment is $8.

Mr. FAIR: That is the motion.

The ACTING CHAIRMAN: That all rates be fixed at $8.

Mr. WOOD: If it is going to be unfair to reduce the rents, why not have that term out, and decide the motion with that term out? I say "equalize." I think that is the purport of that motion, to get an expression of opinion on the justice of the argument.

The ACTING CHAIRMAN: What do you say to that, Mr. Fair?

Mr. FAIR: That is quite all right.

The ACTING CHAIRMAN: The question is as to equalization—

Mr. FAIR: My reason for putting in $8 was to get away from the injustice of raising the cost.

Mr. WOOD: I recognize your point. I think it was very well taken.

The ACTING CHAIRMAN: The motion is to equalize all the rentals, both urban and rural.

Mr. MCLEAN: Mr. Chairman, I think this committee will have to recommend what we think the rents ought to be. I do not think there is much sense in a vote of that sort.

The ACTING CHAIRMAN: What would you say?

Mr. MCLEAN: Let us put in our motion what we are going to recommend should go into the act.

Mr. ROBICHAUD: Mr. Fair's motion was $8.

[Mr. Harry Butcher.]

The ACTING CHAIRMAN: All right.

Mr. MCLEAN: It is all right if the motion goes that way, but by just having it "equalized" we do not know what we are voting on.

The ACTING CHAIRMAN: That is right.

Mr. CASTONGUAY: The rates are not fixed by the act. They are fixed by order-in-council.

Mr. CAMERON: I do not think the term "rent" should be applied at all. It is a building which is used for one day, and the idea is to compensate the people properly for the dirt and mud that is carried in. It is not exactly a question of rent, and I do not think you can compare it from that standpoint. It is just as inconvenient in one house as in another.

The ACTING CHAIRMAN: Quite true. Are you going to vote upon this to-day, gentlemen?

Some Hon. MEMBERS: Question.

The ACTING CHAIRMAN: All right. All those in favour of the amendment.

Mr. RICKARD: What is the amendment?

The ACTING CHAIRMAN: Is it $8?

Mr. FAIR: $8.

The ACTING CHAIRMAN: Or equalized only?

Mr. ROBICHAUD: Equalized at $8.

The ACTING CHAIRMAN: Equalized at $8. Is that right?

Mr. ROBICHAUD: Yes.

The ACTING CHAIRMAN: All right. All in favour of the amendment? I declare the amendment lost.

(Dropped.)

I think that is enough, gentlemen.

The WITNESS: Might I suggest that at our next meeting, the committee should consider a suggestion that is not upon the schedule: "Should teachers vote where they live or where they are teaching, when they are on both lists of electors." That was discussed last session, and I think perhaps we should discuss that again.

Mr. RICKARD: I think that is a very important point. I think I brought it up last session. It is very important in my riding.

Mr. FAIR: As it is now a quarter after one, Mr. Chairman, I move that we now adjourn.

The ACTING CHAIRMAN: When is the next meeting?

Mr. WOOD: Tuesday.

The ACTING CHAIRMAN: All right, Tuesday. The house may be sitting on Tuesday.

Mr. MACNICOL: I would say if you meet on Tuesday, please do not conflict with the committee on Marine and Fisheries. They put off their meeting this morning so that members could be here.

The WITNESS: May I say that Mr. Bothwell suggested that we meet from ten to eleven on Tuesday morning.

The Committee adjourned at 1.15 p.m. to meet again on Tuesday, March 30, at 10 a.m.

HOUSE OF COMMONS, ROOM 429,

March 30, 1937,

The Special Committee on Elections and Franchise Acts met at 11 o'clock, Mr. Bothwell, the chairman, presided.

The CHAIRMAN: Gentlemen, I have to make an apology to the committee this morning for calling this meeting for 11 o'clock instead of 10 o'clock. It was my belief at the time that the hour of 10 was set that the house would be sitting, but morning sittings in the house do not start until to-morrow. It was also thought that by meeting at 10 o'clock until 11 o'clock members who desired to attend other committees could do so.

We should dispose of a couple of matters before considering the suggestions. Last year Mr. Butcher made a study of registration methods and permanent lists in certain states of the American union. While we have disposed of that question, and he has given us certain information from time to time regarding it, there is nothing in the record giving us a synopsis of his investigations in that regard. Mr. Butcher has this information in rather short form, and I think we should have it put on the record. I would suggest that we have that synopsis with regard to Mr. Butcher's investigations placed upon the record by way of appendix to our report. Does the committee agree to this suggestion?

(Suggestion agreed to.)

Now, gentlemen, I have received a telegram from Mr. T. G. Norris, K.C., regarding the application for Canadian born Japanese to be allowed the right to vote.

(Following discussion it was decided to reply that the committee intended to make a report on the evidence already before it with the suggestion that any further material that Mr. Norris had to send might be forwarded to the Secretary of State.)

As some of the members of the committee desire to attend other committees this morning, there are certain things which I should like them to consider before they leave. We had the benefit of Mr. Butcher's work throughout the session, and we had been working on a report last year. You will remember that a sub-committee was appointed to draft that report. I have been wondering if it will be agreeable this year, taking into the account the tremendous volume of recommendations which have to be considered, to have us prepare that report and read it to the committee, and any clauses that are objectionable can be considered by the committee and a sub-committee can be appointed to consider those. I suggest that rather than appointing a sub-committee now which would have to spend days in going all through this material.

Hon. Mr. STEWART: We are very busy at present and are about to start morning sittings, and I think your suggestion is the right one. I suggest that you, Mr. Chairman, Mr. Butcher and Mr. Castonguay could get the sense of the proceedings and draft a report which we would be free to revise in any way we like.

The CHAIRMAN: Most of the other suggestions we have to consider are recommendations that have been made by election officers.

Mr. MACNICOL: In view of the fact that I will have to leave in a few moments, I would like to say that the main question yet to be considered, as far as I am concerned, is the possibility of in some way ameliorating the difficulties

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experienced in connection with having the vote take place across Canada as it does now at different hours, and the necessity of endeavouring to synchronize, at least more nearly, the times of voting throughout Canada; because there is a very great question in this regard due to the fact that the polls in the Maritimes close several hours earlier than they do in the west. This matter affects all political groups. If one party is winning in the east and that information is telegraphed to the west, that information has an effect upon the voting. It is immaterial which party wins in the east; the effect is the same; I am convinced that there should be some way of ameliorating that condition.

The CHAIRMAN: In connection with that question the suggestion I had to offer was that in our report we should quote the recommendation that was made here and simply add a rider that the committee agree that closer synchronization of the returns should be arrived at if possible. We will not be making any definite recommendation, but we will be leaving it as an open question for the consideration of the department in drafting the bill.

Mr. PURDY: I have discussed this matter with many of the members for the Maritime provinces, and I cannot find anybody in favour of it. In the nature of things the sun moves from east to west and, that being the case, we should have the opportunity of at least casting our ballots in the daylight. We are, perhaps, shoved into the background in some things, but I do not think we should have to accept this suggestion.

Hon. Mr. STEWART: Of course, that reflects the views of Canada as a whole. The Maritime people cannot be affected in the result of their voting by the present system. From their standpoint it is not a matter of importance. They might, perhaps, have to suffer a little inconvenience in being asked to vote a little later in the day. On the other hand, it does seem to me that we ought all to be prepared to suffer a little inconvenience if in doing so we assist in the free, untrammelled and uninfluenced expression of the people in a dominion election. It just happens, as I have said, that the people of the east are not affected by any action of this kind, and it may be taken that if the situation were reversed that we might find the Maritimes saying that something should be done and possibly we might find British Columbia objecting to something being done. However, it does appear to me, that we ought to try to get our elections on high ground and to allow for the free expression of the people. As we all know, a lot of people are influenced, and we know were influenced at the last election by the desire to be on the winning side; and, undoubtedly, a published report in British Columbia that the Maritime provinces are going one way or the other—the radio is shut off and speeches cannot be broadcast on election day—would have some effect. I do not know how far that goes or how much can be published, but it does seem to me that we ought to try to accommodate ourselves to the vast stretches of territory and to different conditions in this respect just as we have decided that the deferred election should be abolished. I think there used to be six or eight deferred elections, and the result was that when the results in the rest of Canada were known those six or eight ridings generally went with the sweep. It was decided that that was inadvisable, and I think we all agree that such is the case. We now have all our elections on the same day.

Mr. CASTONGUAY: Yes.

Hon. Mr. STEWART: So just for the sake of trying to get a free, untrammelled, uninfluenced voice of the people at the last moment I think we should endeavour to work out some way of synchronizing returns which would make it impossible for any party, and for all parties by—what shall I say—a trick at the last moment to influence an election. What we are trying to do here is a move in the right direction; it is in the interests of democracy, in the interests of all political parties and in the interests of good government.

Mr. PURDY: It has never been demonstrated that this situation does have the effect claimed by the people in the west. The statement is made that they refrain from voting until they see how the east is going—

Hon. Mr. STEWART: I do not say that. They do not go to the polls until 3 o'clock.

Mr. PURDY: They stay to see how things are going in the east. However, that did not work out in the by-elections where we have a concrete example in Hamilton. In that case if the people had wanted to be in line with the government they knew exactly what the situation was, and if what has been said is true that should have had some effect. It did not work out there, and I cannot really see how it has much effect on election day. I believe that every man knows on the eve of an election how he is going to vote. At any rate, that is my opinion. I think all intelligent voters have made up their minds as to how they are going to cast their ballots, and it would take something more than news over the wires to change their attitude.

Hon. Mr. STEWART: With regard to by-elections, Mr. Purdy's statement is not in point, because the result of any by-election would not change the situation here where the government's majority is what it is and the opposition's number is so small—it does not make any difference which way a by-election goes.

Mr. WOOD: I am rather inclined to think that the difficulty is more apparent than real. I sympathize with the Maritimes in that they do not feel like having to go to the polls in the dark when they wish to register their opinion; at the same time, however, I believe it would be possible, without very much inconvenience, to extend the hour on one side of the Dominion and to shorten the time on the other side. It takes nearly one hour to get the record of a poll. That gives you three hours. I believe we could come to some compromise without advancing the closing of the polls in the Maritimes to 8 or 9 o'clock. I do not think we should do that.

Hon. Mr. STEWART: No.

Mr. WOOD: However, I believe if Mr. Purdy would see his way clear to agree to a reasonable compromise we might settle this matter. I am not very sure that the argument advanced is a sound one. I do not think the opinions of the voters are influenced in many cases; at least, my opinion would not be, and I judge everybody by myself.

Mr. GLEN: You are pretty stubborn.

Hon. Mr. STEWART: An hour on each end would fix it.

Mr. MACNICOL: I think the chairman's suggestion is fair. There are four members from Prince Edward Island, there will be nine from New Brunswick at the next election, and there are twelve from Nova Scotia. British Columbia has sixteen members, and Alberta seventeen. Those two provinces have more members than all the Maritime provinces.

Mr. CASTONGUAY: Yes.

Mr. PURDY: You must remember that the sun is shining on the Maritimes.

Mr. MACNICOL: I think the suggestion of Mr. Wood is not out of the way.

The CHAIRMAN: If we have time, we might have another discussion on this item; but in the meantime would it be agreeable to the members of the committee that we simply leave the question open with a suggestion to the house that this recommendation has been made but not disposed of.

Mr. PURDY: I am quite agreeable to leave it open.

Hon. Mr. STEWART: It seems to me we should go a little further than that. It is merely passing the buck.

Mr. MACNICOL: At what hour do the polls close now?

Mr. CASTONGUAY: Six o'clock.

Mr. MACNICOL: All over Canada?

Mr. CASTONGUAY: Yes.

Mr. MACNICOL: If they closed at 7 o'clock in the Maritimes it would still be daylight all over the east.

Mr. CASTONGUAY: And 5 o'clock in British Columbia.

Mr. MACNICOL: Yes; one hour earlier in British Columbia.

Mr. CASTONGUAY: That would make a difference of two hours.

Mr. MACNICOL: That would leave one hour for counting in between, and there be no injustice done in any part of Canada.

Mr. CASTONGUAY: It would be an improvement.

Mr. MACNICOL: I think you recommended something of that kind earlier, did you not?

Mr. CASTONGUAY: No.

Mr. CLARK: There is so little difference between Ontario and Quebec time that I think it would be agreeable to the Maritimes to vote at the same time as they do in Ontario and Quebec. Then there would be no difficulty about the returns, because the Ontario and Quebec time would rule the time down there, and the returns from Ontario, Quebec and the Maritime provinces would go out at the same time.

Mr. MACNICOL: Yes. I have no objection to that.

The CHAIRMAN: The thought I had in mind was that it was the feeling of the committee that this would work no hardship on anybody and that the committee would like to see the times synchronized; that this recommendation has been made and we are leaving the matter open for the consideration of the government.

Hon. Mr. STEWART: Possibly the suggestion of Mr. Clark is a very fair and sound one. It occurs to me that we might draw a line through the middle of Canada and make the time of voting one hour shorter on one side and one hour longer on the other, rather than simply change the times of voting in the Maritime provinces and in British Columbia and Alberta.

Mr. MACNICOL: Under that scheme the Maritime provinces, Quebec and Ontario would vote at the same hour, and everything west would vote at a different hour.

The CHAIRMAN: Would you make the dividing line the western boundary of Ontario?

Hon. Mr. STEWART: Yes, whatever would appear to be best—either the western boundary of Manitoba or the western boundary of Ontario, whichever seems to work out best in point of time.

Mr. MACNICOL: Say the Manitoba-Ontario boundary.

Mr. WOOD: The time changes at Fort William.

Hon. Mr. STEWART: Yes. That is a good place to make the change.

Mr. MACNICOL: We could not do that because the riding of Fort William and Port Arthur runs west of that. The western boundary of Manitoba would be the best point of division. Make that the dividing line.

The CHAIRMAN: Yes. I believe we should make it at the boundary between the two provinces.

Hon. Mr. STEWART: Yes. In my opinion we should say that we have considered this matter and are inclined to believe it has merit, and that we recommend it for the decision of the house. We could go that far without coming to a decision, if we cannot make a decision. I believe our recommendation might go along that line.

The CHAIRMAN: We will see if we can work that out—making that division there if that seems to be the logical point, because an hour or so of difference would obviate all the difficulty.

Mr. MACNICOL: Of course.

Mr. RICKARD: Would the polls close at 5 o'clock in Ontario or at 7 o'clock.

Mr. MACNICOL: Yes. They would close one hour later in Ontario; they would close at 7 o'clock whereas they now close at 6 o'clock, and there would be one hour difference in the west.

Mr. CASTONGUAY: In the west the polls would open at 7 o'clock a.m. and close at 5 in the afternoon.

The CHAIRMAN: It seems to me that one hour difference would overcome our difficulty in connection with these returns getting out.

Mr. RICKARD: We want to know how this change would affect us; is it going to be 9 to 7 in Ontario?

Mr. CLARK: No. That would make it later in the Maritime provinces. Leave it as it is in Ontario. We would not want it to be any later than 6. It is 8 to 6 now.

Mr. RICKARD: I think as far as influencing the vote is concerned we are making a lot more of it than there is to it.

Hon. Mr. STEWART: British Columbia could tell you what happened in the last election.

Mr. MACNICOL: We could cut off a half hour.

Mr. HEAPS: I do not think we should split hours. What is the suggestion now, Mr. Chairman.

The CHAIRMAN: That we make a dividing line between Ontario and Manitoba so that everybody east of Manitoba will vote an hour earlier than they do from Manitoba west.

Mr. HEAPS: They will close an hour later, is that it?

The CHAIRMAN: Yes.

Mr. HEAPS: We object to closing any earlier; we believe 6 o'clock is quite early enough.

Mr. ROBICHAUD: We think 6 o'clock is late enough now. Leave it as it is.

Mr. RICKARD: We have been voting since confederation in this way.

Mr. MACNICOL: We did not have the radio at confederation.

Mr. MCLEAN: The only way we can get over this difficulty is by some compromise. The compromise which has been suggested is that we make one change. If we are not willing to compromise we cannot do anything about it.

Mr. HEAPS: I am willing to compromise by allowing all the provinces east of Manitoba to keep open one hour later.

Mr. MCLEAN: And not to change the situation in Manitoba?

Mr. HEAPS: Yes.

Mr. MCLEAN: Of course, the Maritimes would be making quite a little compromise and so would Ontario.

Mr. HEAPS: For many long years we have contended that the closing of the poll at 5 o'clock was too early; it deprived many people of the opportunity to vote; and that is why we have fought to keep the polls open after 6 o'clock. We give the people practically two weeks to get on the voters' list and we give them less than a day to vote. In our municipal elections we do not close until 8 o'clock. I think that a fair way of handling this situation would be for the Maritimes to keep open one hour later.

Mr. MACNICOL: Could we not get over the difficulty by giving the voters a free hour allowance?

Mr. McLEAN: I think the chairman's suggestion was a good one: that we report this suggestion without making a definite recommendation and see if the compromise would work out in a way that would not be objectionable to anyone.

Mr. HEAPS: If you send a report to the house indicating that this committee cannot agree, how do you expect the house to agree. Let us have something definite upon which we can agree, or let us drop the matter.

Mr. McLEAN: What would you suggest?

Mr. HEAPS: My suggestion is to find out if there is any objection on the part of any section of the dominion towards closing the polls, say, in British Columbia three or four hours sooner than in the Maritime provinces. Those polls should be allowed to remain open a little later, but they should not be closed in the west where we have difficulty now in getting the vote out before closing time.

Mr. McLEAN: The objection is that the vote in the Maritime provinces influences the vote in the west because the results are reported in the west before the west has concluded its voting.

Mr. ROBICHAUD: Mr. Chairman, it just flashed through my mind that we can leave things as they are and allow the voting to take place from 8 to 6 all over Canada, but we might put a section in the act saying that the ballot boxes will not be opened for the counting of the ballots before 8 or 9 o'clock.

Mr. PURDY: That would not be satisfactory at all. I believe you would have a small riot on your hands if the people could not get the results of the polls as soon after closing as posible.

Mr. ROBICHAUD: They would get used to it.

The CHAIRMAN: It seems to me it is going to be difficult to hold the election officials for that extra hour too.

Mr. HEAPS: Are we not over-emphasizing the importance of this matter? I think we are. In Winnipeg we get the results from the Maritimes about one hour before the poll is closed—that is, there is a difference of two hours and it requires about three-quarters of an hour to get the results from the polls—but I do not think that influences our election at all. If the result of a vote can influence an election, I think the canvassing which is now permissible under the act and other methods used to influence electors—which cannot be taken advantage of to the same extent by the labour party or, say, the C.C.F. who have not got the same organization that the others have—I think those things would have more effect.

Mr. GLEN: Do you know the results from the Maritimes?

Mr. HEAPS: The extras were out on the street.

Mr. GLEN: We do not know.

Mr. HEAPS: Where they get extra papers out the result is known.

The CHAIRMAN: This seems to be a hoodoo suggestion anyway, and, more than that, it is No. 13 on the list. I think we should have a motion to find out what we are going to do with it.

Mr. HEAPS: This affects British Columbia and Alberta more than any other section. Has anyone from British Columbia or Alberta anything to suggest?

Mr. ROBICHAUD: Apparently it had no effect on Alberta in the last election.

Mr. WOOD: My first choice is that we leave it alone, but my second choice would be, as I suggested before, to arrive at a compromise which would keep people happy. There is no particular reason why this should not be done; but I am inclined to believe that not many votes are influenced. If they are influenced

then these over-enthusiastic people can soon get out a report which is not reliable to bring about the results they so much desire. However, if the electorate has become so cheap that they can be influenced in that way, it is not very complimentary to the intelligence of the people in British Columbia and Alberta.

Mr. ROBICHAUD: I move the suggestion be dropped.

Hon. Mr. STEWART: I suggest it be left over, because I know the British Columbia representatives have something to say about it, and I think we ought to hear from them before we close this matter definitely.

Mr. GLEN: I second Mr. Stewart's motion that the matter be left over.

The CHAIRMAN: The motion is that we negative the suggestion. The amendment is that it be held over until we have representatives from British Columbia here.

Mr. ROBICHAUD: I understood we wanted to dispose of this matter this morning. If that is not the case, I shall withdraw my motion.

The CHAIRMAN: From this morning on we shall have only short meetings. We can add that in our report, if anybody has anything further to add, when we come to consider the report. However, Mr. Robichaud, you are prepared to withdraw your motion.

Mr. ROBICHAUD: Yes.

(Suggestion stands.)

There is one other suggestion to be presented before we deal with the suggestions which have been made by the election officers, and that is the question raised by Mr. Rickard respecting teachers—should they be allowed to vote at their option at either the place where they live or where they teach. In 1935 this question was a rather serious one because of the permanent lists existing at that time.

Mr. HEAPS: How do these teachers come to be on the list twice?

Hon. Mr. STEWART: The old list was perfectly clear. The list was made up a year in advance of voting, and in the meantime a teacher might have gone not to the place where she was residing at the time the list was made up, but to another riding altogether.

Mr. HEAPS: Would not that happen under the new system?

Hon. Mr. STEWART: No, because the legislation is recent—before voting.

Mr. WOOD: Unless the election were held in September.

Mr. MACNICOL: I think the difficulty would disappear under the system of enumeration.

The CHAIRMAN: I wanted to ask Mr. Rickard if, with the change back to the system of 1930 where the lists are made up immediately prior to an election, this is a very important question?

Mr. RICKARD: I think it should be stated where they are to vote—whether they shall vote where they teach or where they reside.

Mr. MCLEAN: The circumstances are so different, but I think that the definition of residence covers the matter pretty well; it gives a certain elasticity.

Mr. RICKARD: We had cases in our riding where these teachers were teaching fifty miles away, but their names were written on the lists. This is done for a reason. It is not because they cannot vote where they are. That is where they obtain their living, where they teach; and I contend that is where they should vote.

Mr. HEAPS: Such cases can be duplicated a hundred times. First of all, a person has no right to be twice on the list. I think that is an offence.

Mr. RICKARD: They are not necessarily twice on the list.

Mr. HEAPS: If they were not twice on the list there is only one place where they can vote, and if they are on the list where they live they cannot vote where they work.

Mr. RICKARD: Yes, they can.

Mr. HEAPS: They can vote only where they reside. There must be hundreds of thousands of people who reside in one constituency and work five or ten or twenty-five miles away from their residence.

Mr. RICKARD: But they are in the same riding.

Mr. HEAPS: No, in different ridings. I can give you thousands of instances. Let us take the city of Winnipeg. A man may reside in Winnipeg and work in the Transcona shops. I would say that there are 700 people who go out to the Transcona shops to work. They vote in the place where they live, but they spend three or four days a week in Transcona. The same condition applies to a teacher who teaches fifteen miles from her residence.

Mr. ROBICHAUD: She does not come home every night or every week.

Mr. HEAPS: I might suggest the case of conductors on the railways. They leave home and stay away for two or three days a week, but they vote at the place where they have their residence. The same thing should apply to teachers. Again we are going back to exceptions, and I am opposed to exceptions. We should not have a law full of exceptions.

Mr. MCLEAN: I think we will save a good deal of time if Mr. Castonguay would give us some information with regard to residence qualification.

Mr. CASTONGUAY: The question of where teachers are to vote has given considerable trouble at every election, and that was particularly true in the election of 1930. It is very difficult to lay down hard and fast rules about teachers, because, for instance, an Ottawa person may teach school fifty miles from here, in Lanark, and she may teach there for eight or ten years and still claim that her ordinary place of residence is Ottawa. If she comes back to Ottawa for holidays and for occasional visits she can maintain that her ordinary place of residence is in Ottawa, and if you force that person to vote where she teaches, a lot of inconvenience will be caused, especially if an election is held in July or August. On the other hand, if you take the attitude that a teacher must vote where she resides, she may claim that she resides where she teaches. They are classes of persons for whom it is difficult to avoid granting a double residence.

Mr. HEAPS: But their names could appear on the list only once.

Mr. CASTONGUAY: It is quite possible that their names would appear on the both lists.

Mr. HEAPS: What is the law?

Mr. CASTONGUAY: In such cases there is nothing to prevent a name from being on two lists, but the teacher can vote only once.

Mr. HEAPS: A person has only one vote.

Mr. CASTONGUAY: Yes.

Mr. HEAPS: If a teacher's name was on the list in two different places and she voted in two different places she would be committing an offence.

Mr. CASTONGUAY: She would have committed a crime.

Mr. MCLEAN: Let us take the case which has been referred to of a teacher whose permanent residence is in Ottawa but who is teaching seventy miles away; under the 1930 act is there anything to prevent the enumerator from putting her name on the list there if she wants it put on, and permitting her to vote? My idea is that the term " residence " is elastic enough to permit the teacher to have her name put on the list and vote there if she wants to. My opinion is that it could be done.

Mr. CASTONGUAY: It was done in several cases in 1930, and, if you will remember, the election that year was held on the 28th of July. The question of where teachers should vote gave the election officers a great deal of trouble at that time. There were all sorts of problems to settle, and no hard and fast rule could be laid down. The matter of residence is one of intention on the part of the person concerned; if she intends to call her father's home or her brother's home, where she lives during her holidays, her ordinary place of residence, she is quite justified in doing so. On the other hand, if she decides that her ordinary place of residence is where she teaches, she is free to do so.

Mr. HEAPS: Does not much of your trouble depend on when the election is held? If the election is held when the teacher is teaching school the difficulty does not arise, but should the election be held during the summer recess the difficulty does arise.

Mr. CASTONGUAY: The difficulty arises in both cases. If the election is held in September or October, and if the law is silent on the subject, there is nothing to prevent a teacher from choosing the electoral district in which she will vote.

Mr. ROBICHAUD: What does the law say—residence or domicile?

Mr. CASTONGUAY: Ordinary residence.

Mr. RICKARD: My contention is that where a teacher is working, say, fifty miles away and motors out and in she should vote from her residence, but where she goes one or two hundred miles away and only comes home for her holidays, her residence is where she is teaching and she should vote there.

Mr. MCLEAN: There is nothing to prevent her doing so.

Mr. RICKARD: No, but she can go home and vote—she can vote whichever place she likes. That was the trouble during the last election, and we referred our particular case to the registrar. He decided one way; we were not satisfied and we wrote down to Mr. Castonguay. The matter was then taken before the county judge, and he decided the opposite way—that teachers should vote where they taught, whereas the registrar decided that they should vote at their homes.

The CHAIRMAN: Although Mr. Castonguay has said that there was considerable trouble in 1930, I am inclined to believe that most of the trouble arose in 1935. I know, as far as my constituency is concerned, that about half of the teachers were disfranchised. Whether reports were made to Mr. Castonguay or not, every member knows that with the permanent list in 1935 a great many teachers were disfranchised.

Mr. RICKARD: We have not had any trouble that way. Our trouble has been that these people were on the list at both places.

Mr. PURDY: If they were residing one or two hundred miles away it would be inconvenient for them to come home.

Mr. RICKARD: They did it.

The CHAIRMAN: I think Mr. Heaps has sized the situation up properly; it is one of those exceptions that have been referred to.

Mr. MCCUAIG: I had a case last year in my riding concerning a lady who lived at a place called New Lowell and who also taught school in my riding but who boarded across the road in another riding. She was on the list in three places, and the question arose as to whether she should vote in New Lowell, where she taught, or in Mr. Telford's riding, in Grey. They held that she should vote where she boarded and not where she taught, and she was not permitted to vote at New Lowell although she lived in my riding and taught school in my riding.

Mr. RICKARD: Of course, you cannot have an act to cover that kind of thing.

Mr. GLEN: How can you have an act to cover that condition? First of all, under the act, it is stated that a person must be in the country a certain length of time and six months in the constituency, and the place of residence decides what the constituency shall be. If we are going to try to interpret for exceptions then every class will ask for exceptions. All we can do is to stipulate that a person must declare where his or her residence is, and if she is away from that riding during election time it is too bad for her. That is the law.

Mr. RICKARD: It does not look fair to me. This teacher goes home for a week-end or summer holidays, and she votes at home.

Mr. GLEN: I will say that where a girl is teaching in her own domicile, that is the place she should vote.

Mr. RICKARD: Absolutely.

Mr. GLEN: Having registered, she has no right to say that she has a domicile some place else.

Mr. RICKARD: She can. Under the open list system she can be sworn in. They can say that this girl is entitled to vote at that particular booth, and they will vote her there, even though her name is not on the list at all.

Mr. HEAPS: If her name is not on the list she is not entitled to vote.

Mr. RICKARD: Her name can be on the list in both places.

Mr. HEAPS: No. May I ask Mr. Castonguay a question on a point of law. Take the case of a teacher whose name appears on a list in Ottawa. Suppose she is teaching at a place fifty miles from Ottawa where there is an open list. If she goes to vote in that place where there is an open list does she have to take a declaration that she is entitled to vote in that riding?

Mr. CASTONGUAY: If her name is not on the list, she will have to take an oath; but if her name is on the list she can vote without any question.

Mr. HEAPS: But suppose her name is not on the list but is on the list in an Ottawa riding, is she not taking a false declaration if she says she is entitled to vote?

Mr. CASTONGUAY: It is a question that she has to decide for herself. She can decide that her ordinary place of residence is where she teaches, and it does not matter if her name is on the list in fifty other districts.

Mr. HEAPS: In that case, I think the difficulty is obviated. If this teacher is working at a distance of a hundred miles or so from her home she is probably living in a place where she can vote, if she can prove long enough residence. On the other hand, in view of the fact that the list has been made prior to an election a good deal of the difficulty previously met with is not likely to arise again. Leave matters as they are, and I am sure that those difficulties which have manifested themselves in past elections will not occur again.

Mr. RICKARD: I do not see that the change has any bearing on the question at all.

The CHAIRMAN: If we allow for exceptions in the case of teachers, would we not also have to allow for them in the case of—

Mr. HEAPS: Railwaymen.

The CHAIRMAN: Yes. Railwaymen, bank clerks and others.

Mr. GLEN: Survey parties.

Mr. RICKARD: I brought the question up because it caused considerable difficulty in my riding at the last election.

Mr. HEAPS: Were there many cases?

Mr. RICKARD: There were several.

Mr. GLEN: These cases cannot arise now to any extent with the enumeration being made just before the election.

Hon. Mr. STEWART: May I ask Mr. Castonguay a question for information? Is there any special provision in the act that a student may vote, say, in the city where he is attending university? I am thinking of students who are attending Toronto university, Queens university, Ottawa university or any other university, and who attend college for possibly two or three years but are home during an election.

Mr. CASTONGUAY: There was a special provision in the 1930 act which made it possible for a student to vote in the place where he attends university providing he had been registered as a student at that place for seven months in the preceding year; but they are in the same class as teachers. Suppose a boy from Ottawa has been attending college in Montreal for three or four years and his tuition is being paid by his father, he may elect whether he will vote in Montreal or Ottawa. He can get his name on the list in Ottawa, and he has resided long enough in Montreal to permit him to state that Montreal is his ordinary residence. He cannot be prevented from voting in Ottawa because his father is paying his tuition, and therefore he has ordinary residence in that city.

Mr. RICKARD: The teacher is earning her livelihood where she is teaching. Her salary is paid by the people in the municipality where she teaches. The student's fees are paid by his father.

Hon. Mr. STEWART: He may be paying his own way.

Mr. RICKARD: Very seldom. He does not earn his money in the municipality where he is going to school.

Mr. CASTONGUAY: For the information of the committee I will read the 1930 act relating to clergymen, teachers and students. Sub-section 4 states:—

> Any of the following persons who, in the interval between the issue of the writ of election and polling day, changes his place of residence from one electoral district to another, shall nevertheless be entitled, if he so elects, to be included in the list of voters for the polling division in which he is resident at the time of his application to be so included, provided that . . .

And here is the provision for teachers:—

> (*b*) Being a teacher, he is employed under a contract with the appropriate educational authority, in teaching at a school situate in the electoral district to which he has removed.

That clause was put in in 1930.

The CHAIRMAN: Is that clause advisable?

Mr. CASTONGUAY: It is advisable in some cases.

Mr. RICKARD: Will it be left there?

Mr. CASTONGUAY: It is the 1930 principle.

Mr. RICKARD: It should be left there.

Mr. CASTONGUAY: Yes.

The CHAIRMAN: The opinion of the committee is that we adopt the clause that was put in in 1930.

Hon. Mr. STEWART: I think that is fair. There is one other subject that has been on my mind for some time, and that relates to temporary camps at the time an election takes place. The condition arose in the last election when we had relief camps which, either rightly or wrongly, have been done away with, and it has arisen in other years where we have had construction camps for road work and railway construction. Now, there may be one hundred or two hundred

employees who are not identified with that riding in any sense of the word, and I think it is worth while to consider what action should be taken in a case like that. In my opinion, there ought to be a provision that temporary residents of that character should not entitle those people to vote in that constituency.

Mr. HEAPS: We are doing it in the case of these teachers.

Hon. Mr. STEWART: That does not apply to the camps I am speaking of.

Mr. HEAPS: The exceptions in the two cases are similar.

Hon. Mr. STEWART: I do not think they are similar. The teacher is more or less permanent; she is identified with the constituency in which she teaches.

Mr. HEAPS: She is temporary.

Hon. Mr. STEWART: No, in many cases she is not temporary. She is there for a year. We will say she is employed for one year, which gives her an anchorage and an identification with the particular constituency in which she lives. Consider a construction gang. They come along and are anchored down in a constituency. An election comes on while these one or two hundred men are there. What is the effect of the act now with respect to a situation like that? It seems to me there ought to be a provision in the act that residence of that character is not sufficient to qualify those men to vote.

Mr. GLEN: If they are three months in the constituency?

Hon. Mr. STEWART: In the case of the relief camps the men were there three months, and in the case of construction gangs the men may be there three months.

Mr. RICKARD: According to the 1930 act, those men can be put on the list.

Hon. Mr. STEWART: They were put on. The question arose in connection with several of these camps. We had them at Kingston in 1935. We had them at Toronto.

Mr. MCLEAN: Are you suggesting that the residence qualifications, according to the act, should apply differently to these men?

Hon. Mr. STEWART: I am contending that that really ought not to constitute a residence in law and substance and fact. It is not a residence within the ordinary meaning and acceptance of that word.

Mr. HEAPS: Would it deprive these people of a vote?

Hon. Mr. STEWART: Let them go back where their residence is.

Mr. HEAPS: Suppose they are one hundred miles away and they have been at this particular place for six months.

Hon. Mr. STEWART: That is their misfortune. If they have not any fixed residence and no vote at all they lose out. They ought to have a residence.

Mr. HEAPS: They could not vote anywhere else.

The CHAIRMAN: Mr. Castonguay has read the section from the 1930 act.

Mr. CASTONGUAY: In 1930 the date of residence for qualification as elector was the date of the issue of the writ. Now, according to the By-Election Franchise Act, it is three months before the date of the issue of the writ. In the 1930 election there was a provision in the act which permitted an elector who was away on a gang or on temporary work of some kind and happened to be working at a certain place at the date of the issue of the writ or happened to be living at another place other than his ordinary place of residence—the act allowed him to vote, but he had to vote on polling day where he was following his gainful occupation on the date of the issue of the writ. This provision worked quite satisfactorily. It prevented the summer residents from voting at their country cottages, but it permitted their employees to vote.

Hon. Mr. STEWART: People living at their country cottages were prevented from voting.

Mr. CASTONGUAY: Yes, but not their employees.

Hon. Mr. STEWART: The summer residents had to vote in their home constituencies, and these people I am referring to should do the same thing.

Mr. GLEN: They would have two months residence.

Mr. CASTONGUAY: It is three months now. I suggest that in places where there is a large number of men temporarily employed that the polling division should be called urban in order that close supervision may be given to the lists. I have embodied this idea in an amendment which reads as follows:—

> 14 (1). The chief electoral officer shall have power to decide and he shall so decide, upon the best available evidence, whether any place is an incorporated city or town, and whether it has a population of over 3,500 persons. All the polling divisions comprised in every such place shall, for the purposes of this act, be treated as urban polling divisions.

Now, this is the sub-section that deals with the subject I have in mind:—

> (2) Whenever it has been represented to the chief electoral officer that the population of any other place is of a transient or floating character he shall when requested not later than five days after the issue of the writs for any election, have power to declare, and he shall so declare, if it is deemed expedient, any or all the polling divisions comprised in such place to be or to be treated as being urban polling divisions.
>
> (3) All other areas comprised in the electoral district shall, for the purpose of this act, be treated as rural polling divisions.

That means that should a gang of men come to any place in Canada—men whose residence is in another electoral district—to do temporary work of any kind, if this amendment is carried, the Chief Electoral Officer will have the right to declare that polling division urban, and the list will therefore be a closed list.

Hon. Mr. STEWART: In this case you have a gang of a hundred men coming along and they swear that they have resided at this particular place. That is the end of it. They are not residents there. They may go away the next day.

Mr. HEAPS: They vote in the district where the poll will be held. They will have voted in that electoral constituency. For example, let us say that five hundred people left Ottawa and went fifty or sixty miles away; they would vote in that constituency in which they were working if they have been there permanently. A case arises in my mind that occurred in 1930 in the constituency of Mr. Turner. Large gangs were working there on a power project. They had been working there for six or nine or twelve months, and they all voted in that constituency of Springfield although their residence formerly had been in Winnipeg.

The CHAIRMAN: Would it not be a good thing to have a closed list?

Mr. HEAPS: Yes.

Hon. Mr. STEWART: If there is not a request, it cannot be done.

Mr. CASTONGUAY: The request can be made by any interested person.

Mr. GLEN: The returning officer?

Mr. CASTONGUAY: Anyone.

Hon. Mr. STEWART: When does the request have to be in?

Mr. CASTONGUAY: I have suggested that the request should be made before the issue of the writ, because the preparation of the list is probably going to begin on the date of the issue of the writ, and once you begin to prepare lists on the urban principle it is very difficult to return to the rural principle, or vice versa.

Hon. Mr. STEWART: A few days might be allowed to elapse, because you never know when an election is coming.

Mr. CASTONGUAY: That could be arranged.

The CHAIRMAN: Five days after the issue of the writ.

Mr. CASTONGUAY: Yes. Five days after the issue of the writ. There would be time enough then to change the procedure.

The CHAIRMAN: Would that solve the difficulty—if you make a note of that?

Hon. Mr. STEWART: It goes a long way.

Mr. GLEN: I will make a motion to that effect.

Mr. RICKARD: It comes back to the same thing, that everybody should vote where their home is, if possible.

The CHAIRMAN: You cannot get all the people back to their homes.

(Suggestion agreed to.)

Now, we come to No. 50: "That more time should be given to the returning officers to revise their respective polling division arrangements."

Mr. CASTONGUAY: The trouble at the last election was that the returning officers were appointed in September 1934, and the registration of electors by the franchise officers had to take place early in October. It was impossible for me to give the returning officers the necessary length of time to revise the arrangement of their polling division and, as a consequence, there was a great deal of complaint that the polls should have been laid out in a different manner. I think it is advisable that the longest possible time should be given to the returning officers to make their revision in order that all the polls may be convenient to the electors.

The CHAIRMAN: With the system we are following now, is it not a simple matter to have that changed?

Mr. CASTONGUAY: It all depends if the act is passed in 1938. In that case I do not anticipate any difficulty. But should the Dominion Elections Act be amended only in 1939 I may find myself in the same position as I was in 1934.

Mr. GLEN: Your suggestion is that you should make the change now.

Mr. CASTONGUAY: My suggestion is that the amendments to the Dominion Elections Act should not be passed later than 1938.

Mr. GLEN: Which means the revision of the act by next year.

Mr. CASTONGUAY: Yes.

Mr. GLEN: That is reasonable enough. That is a suggestion we should make a note of to interpret under the act in 1938.

Mr. CASTONGUAY: It needs no interpretation; it needs action. It needs the passing of the act in 1938.

The CHAIRMAN: Is the committee agreed to pass this suggestion? We will put it in by way of a recommendation in our report, drawing attention to this clause.

(Suggestion agreed to.)

Mr. GLEN: There is one point that bothers me—I do not know whether it is relevant or not—what about the new lists being prepared for 1938 by the present officers—the registrars? Are the registrars still in existence, and are they to make a new list in 1937 and 1938 as under the 1934 act?

The CHAIRMAN: We have not dealt with that. I think that is a matter for the government to decide. The findings that this committee have made is that we should go back to the system in use in 1930, which means, in so far as our

report is concerned lessening the cost of elections as far as possible. Our report to the government will leave them free if they want to maintain the unnecessary machinery. I do not know that this committee can stop them; but I think our suggestion to the government will cover that particular point.

Mr. GLEN: Might we say that the committee are pretty well of one opinion that we should go back to the 1930 act. We now have registrars appointed, and they may commence making revision of the lists for 1937-38 at a totally unnecessary expense.

The CHAIRMAN: That has already been attended to by the government.

Hon. Mr. STEWART: They introduced an act saying that nothing shall be done, and we have put in an election act which covers the situation.

Mr. McLEAN: Is it not a fact that the revising officer is still getting his $1,000 a year, although he has nothing to do?

The CHAIRMAN: Of course, he would have something to do in connection with the By-Elections Act.

Mr. McLEAN: Very little.

The CHAIRMAN: He is still holding the position.

Mr. CASTONGUAY: The Registrars of Electors are paid only when there is an election, under the By-Elections Act. If there is no by-election they do not draw any pay.

Mr. McLEAN: Does that apply to the franchise officer at Ottawa?

Mr. CASTONGUAY: No, it does not.

The CHAIRMAN: No. 52: "That the statement of the poll in form 31, and the certificate of the votes polled, in form 32, should be prepared on similar forms, preferably form 31."

Mr. CASTONGUAY: At the close of the poll, the deputy returning officer has to make a statement of the poll in triplicate, he leaves one copy in the poll book and keeps one in his possession; the third copy goes to the returning officer. The act now calls for the deputy returning officer to prepare a certificate of the votes polled on a different form, that purports to contain the same information. The result in many cases is that the form that is supposed to go to the candidate goes to the returning officer and the form which is supposed to go to the returning officer goes to the candidate. This suggestion came from me. I think all these statements and certificates of the poll should be alike.

(Suggestion agreed to.)

The CHAIRMAN: No. 53. "That no entry should be made in the poll book until it has been ascertained that the name of the elector is entered on the official list of electors."

The custom in the past has been that when a man comes into a poll the poll clerk immediately takes his name down. It may be found that he is not entitled to a ballot and that his name is on the book, and this suggestion is to the effect that no entry shall be made in the poll book until it has been ascertained that the name of the elector is entered on the official list of electors. I think that will have to go further now—he swears his name on.

(Suggestion agreed to.)

No. 54: "That in urban polling divisions a supervisor should be appointed for every thirty polling stations to supervise the polling on the day of the election."

Mr. McLEAN: In that connection, there is a suggestion that the returning officer should stay in his office on voting day.

The CHAIRMAN: We have yet to come to that.

Mr. McLEAN: Those two sections ought to be dealt with together.

The CHAIRMAN: No. 60: "Should returning officer be required to stay in his office on polling day?"

Mr. HEAPS: Did not we give some powers before to the assistant?

Mr. MCLEAN: Suppose there is a serious dispute in some poll and you appeal to the returning officer. Now, if the returning officer drives ten miles to straighten out the difficulty which needs to be straightened out—there are sometimes deputies appointed who positively do what is wrong, perhaps intentionally, perhaps not—could we appeal to the returning officer? Is he going to drive ten miles? If he does, he is out of his office. What is going to happen if there is a dispute in a poll. In my riding at last election the returning officer thought it would be a fine thing to make a round of the whole riding. I think the intention was good.

The CHAIRMAN: He would have an awful time getting around my riding.

Mr. MCLEAN: He got around about half the riding, and there was a complaint because in his absence difficulties arose and nobody could find the returning officer. Somebody should be at the office—either the returning officer, his clerk or this supervisor who has been suggested. It ought to be possible to have somebody ready in case there is trouble and to see that the taking of the vote is properly conducted.

The CHAIRMAN: The only suggestion I have to make in that connection is that I do not like the idea of the returning officer driving all around the constituency. No one can locate him, and he is not doing anything that is of any value. He always turns up at a poll where there is no difficulty, and if there is difficulty you are not able to locate him. I think either the returning officer or his clerk should be in the office and available to go to places where help is needed. Both the returning officer and his clerk should be at the office, and one should be there all the time.

Mr. CASTONGUAY: The suggestion might be changed to state that the returning officer should administer the election as much as possible from his own office.

Mr. HEAPS: We should endeavour to assign some rights to the assistant so that both the returning officer and his assistant should be in charge of the office on election day.

Mr. MCLEAN: According to the act now, the clerk is not required to be on duty on election day.

Mr. CASTONGUAY: According to the act now, both the returning officer and the election clerk are eligible to act as deputy returning officer, and that should be stopped.

Mr. MCLEAN: I think those two ought to be on duty on election day.

Mr. CASTONGUAY: And one of them ought to be on duty in the returning officer's office, during the whole of the polling day.

Mr. RICKARD: I think the returning officer should stay in his office and send the clerk out.

Mr. MCLEAN: It is the returning officer who can rectify trouble. Usually the returning officer is a man who has acted in that capacity on many occasions and knows what ought to be done. The clerk may not be an experienced man. I think the returning officer should be permitted to leave the office long enough to settle the trouble, and the clerk ought to stay in the office.

The CHAIRMAN: That is my idea. The clerk should take telephone calls and send the returning officer wherever he is needed.

Hon. Mr. STEWART: And the returning officer is the man who should have the authority.

The CHAIRMAN: We might be able to have a clause drafted along that line.

(Suggestion agreed to.)

Mr. WERMENLINGER: Would that not look as though the returning officer would be working for the clerk? The clerk would seem to be the boss.

The CHAIRMAN: The idea is that they should both be on duty in that office, with the returning officer available to straighten out difficulties.

No. 54: (Dropped.)

No. 55: (Dropped.)

Mr. WERMENLINGER: Do you provide for the heads of families to have the lists a couple of weeks before the election?

Mr. CASTONGUAY: That is the preliminary list. We are now discussing the final list.

Mr. MCLEAN: I do not think this is advisable.

The CHAIRMAN: No. 56: "That the printed lists in urban polling divisions containing more than three hundred electors should, for the taking of the vote, be divided numerically instead of geographically."

Mr. HEAPS: I thought we decided upon retaining the lists as they were in the last election. This would be a reversal.

The CHAIRMAN: This is what we decided to do in the By-Elections Franchise Act.

Mr. HEAPS: Would not that change the idea we arrived at with regard to the method of enumeration and printing the lists?

Mr. CASTONGUAY; No. This is a case where the number of names on the list exceeds the number of names allotted to each poll.

Hon. Mr. STEWART: Suppose there were 320 names.

Mr. CASTONGUAY: We will take the first 160, and they will go in one station and the second 160 will go in the other, instead of being divided geographically.

Mr. HEAPS: Why change it for the sake of twenty names?

Hon. Mr. STEWART: We have to.

Mr. CASTONGUAY: The geographical lists were divided. There were 320 names on one street—sometimes in the same apartment—and it was very difficult to divide that list for the taking in of a poll in a geographical manner. Such a list is numbered consecutively from one to 320. The idea is to divide the lists at number 160 and to allot the first part to one poll and the second part to the other poll. The polls will be in one building or in adjoining buildings.

Mr. RICKARD: I think we have too many polls.

Mr. GLEN: If we had the polls in separate places people would not know where to go.

Mr. HARRY BUTCHER, recalled.

The WITNESS: I will read a suggestion which I have called No. 56 (a): "That no list of electors shall be split up for the taking of the vote unless it contains more than 350 names."

Mr. CASTONGUAY: I believe a polling station can handle 350 names. In the last seven or eight elections I have had representations made to me by persons who expressed fear that there would be congestion at the polling station. These criticisms were made to me before the elections, but I have yet to hear after an election of a single complaint of congestion.

Mr. HEAPS: How many did we have to poll in the last election?

Mr. CASTONGUAY: It all depends on how many names were on the list.

Mr. HEAPS: In some cases the number was only 150.

Mr. CASTONGUAY: The sub-dividing did that. Take a list of 350 names. In the first place you can count on about eighty-five electors not voting at all. I suggest another amendment to the act: that at the close of the poll—this provision is in the acts of several states of the Union—every elector who has actually reached the poll should have the opportunity of voting before the outer door of the poll is closed. As the act reads now, I think the deputy returning officer would be justified in closing the outer door at 6 o'clock sharp, because the act says 6 o'clock. It should be stated in the act that any elector who has actually reached the poll at 6 o'clock should be allowed to vote. With that provision we can safely allow 350 names to a polling station. I made a calculation on the 1935 list of split polls that it would not have been necessary to establish if the limit had been 350 instead of 300, and I found that if the limit had been 350 at the 1935 election we would have saved thirty-two hundred and fifty polls; and you must remember that the cost of each poll runs between $25 and $30.

Mr. RICKARD: I think you could go to 400 voters.

The WITNESS: With regard to Mr. Castonguay's suggestion that there should be 350 voters to a poll, I made some study of the matter in the United States and found that the number of electors to a poll ranges from 400 to 700. In the state of New York, where they have voting machines and also the ordinary ballot, they provide for 450 electors to each poll where the ordinary ballot is used and 700 where the voting machine is used.

With regard to Mr. Castonguay's second suggestion that those who arrive at 6 o'clock should be permitted to vote, I made some enquiry about that also, and found that that is the law in many states of the union. In the state of Wisconsin the law reads as follows: "Any voter awaiting his turn to vote, whether within a polling booth or in a line outside the booth, at the closing of the polls, shall be permitted to vote."

The CHAIRMAN: No. 56: "That the printed lists in urban polling divisions containing more than 300 electors should, for the taking of the vote, be divided numerically instead of geographically."

That is in any polling subdivision where it is necessary to establish two polls the lists shall be divided numerically.

Mr. SINCLAIR: Does that not refer to the 300 voters?

The CHAIRMAN: It says that, but we can change it.

Mr. SINCLAIR: If we adopt the other suggestion we will not need this one.

Hon. Mr. STEWART: It seems to me that we might consider in that connection a provision that where practicable where there is a subdivision to a poll the two places should be located side by side or adjacent and divided numerically. Mr. MacNicol spoke about a person having to go around the corner or a block or two away to get to the other poll. In my opinion where a polling division is subdivided the polls ought to be side by side.

Mr. CASTONGUAY: The act calls for it now and says "adjacent polling divisions."

Hon. Mr. STEWART: I know that the practice has been to split them at a considerable distance.

Mr. GLEN: I move that we make it 400. As Mr. Castonguay says there are eighty-five who won't vote at all.

Mr. CASTONGUAY: 25 per cent.

Mr. MCLEAN: I think we had better try 350. There are many places in industrial centres where there is a lot of congestion.

[Mr. Harry Butcher.]

The CHAIRMAN: Mr. Castonguay directs my attention to this fact that in a poll where there are quite a number of electors who do not speak English very well and do not understand our system of voting there would possibly be delays, and it would be hard to get that number in. He suggests 350 as the number which could be handled.

Mr. RICKARD: What was the number before?

Mr. CASTONGUAY: 300. The law calls for any list containing more than 300 to be split up.

Mr. RICKARD: What was the number previous to that?

Mr. CASTONGUAY: That has been the law for a long time.

Mr. RICKARD: How is that we have two returning officers where we used to have one in urban centres?

Mr. CASTONGUAY: Because the list contained more than 300 names.

Hon. Mr. STEWART: The voting of women has increased the list.

Mr. RICKARD: It has been that way for some time. I know of cases where we had two polling divisions where formerly we had only one.

Mr. CASTONGUAY: The number of names made that possible. I might add that 400 might be a bit heavy especially in a rural polling division where names are likely to be left off and where the swearing in and vouching for electors takes place.

Mr. RICKARD: The feeling is that we should have as few polling divisions as possible in our district.

Mr. CASTONGUAY: Raising the number from 300 to 350 is going to reduce the number by three or four thousand in the next election.

(Suggestion agreed to.)

The CHAIRMAN: The other suggestion made by Mr. Castonguay had reference to the closing of the poll.

Mr. GLEN: Mr. Butcher, anyone who is within the building where the voting is taking place will be entitled to vote; but suppose there is a line outside, that can be kept going for an hour.

The WITNESS: May I say that that contingency is dealt with in one of the states in the following manner. In Minnesota the law reads as follows:—

> If at the hour of closing of the polls there are any voters in the polling place or in line at the door, who are qualified to vote, and have not been able to do so since appearing, the polls shall be kept open a sufficient time to enable them to vote, but no one not present at the hour of closing shall be entitled to vote, although the polls were not closed when he arrived.

Mr. HEAPS: I think that is a good provision. I remember many occasions in municipal elections where the law as it is now in the federal act was strictly enforced, and I have seen seventy-five or a hundred people at 8 o'clock at night waiting twenty minutes to get in to vote, and that was so because the act was strictly enforced. It is not fair.

The CHAIRMAN: The scrutineers would check up on that.

Mr. HEAPS: In some places it is overcome in this way: where we have a large place the D.R.O. usually goes out and allows the people to come inside and the door is closed. It would be a good thing if the same provision were adopted in our federal law. However, I doubt if it will be for the simple reason that as a rule our elections are held in small rooms. It is possible, however, where the poll is held in homes. It is entirely up to the D.R.O. to see that such a provision is properly enforced. I move the adoption of this suggestion.

(Suggestion agreed to.)

The CHAIRMAN: No. 57: That instead of pencils for marking ballots at the poll a rubber stamp with an X should be provided for each polling station and used by the voter.

Hon. Mr. STEWART: Don't drop that one, please. I think there is reason behind this and a purpose behind it. I have known voters to innocently spoil their ballots by going in and taking out a fountain pen with which to mark their ballot, and I have known cases where the spoiling of the ballot was not innocent. I had an experience at one election where somebody went in and changed the pencil, and then a number of voters were sent in to vote. The parties who changed the pencil held back their voters and then sent somebody in to replace the pencil. I have known of fifteen or eighteen votes to be lost all on one side because of the changing of the pencil. Mr. Castonguay knows that. He knows that it is attained in different ways. People lose their votes innocently and others lose them fraudulently by manipulation of the voting pencil. Now, it is my opinion that these things ought, wherever possible, to be prevented. A voter should not, either by accident or by design, lose his vote through a technicality—by his ballot being improperly marked by a pen where a pencil should have been used, or by a coloured pencil being used where a black pencil should have been used, or in any other way.

The CHAIRMAN: The suggestion is to have a rubber stamp.

Mr. MCLEAN: I do not think you would overcome the difficulty by using a rubber stamp instead of a pencil, because forty-nine people out of fifty might never have used a rubber stamp before, and I can understand some old ladies who have never used a rubber stamp being afraid to use it or not make a proper impression. Again, the rubber stamp may be lost.

Mr. HEAPS: Or somebody might take it away with them.

Mr. MCLEAN: Somebody might want to play a trick and put the stamp into his pocket. I do not think this is the solution.

Hon. Mr. STEWART: As the voter goes in, the returning officer gives him a pencil, and the voter brings it back. That is the way to do it.

Mr. GLEN: Would it not be well for the federal officer to instruct the deputy returning officer to be sure to look after the pencils on the day of the voting?

The CHAIRMAN: I think Mr. Stewart's suggestion about the pencil is a good one, because the example that he gave of people using different kinds of pencils has come to my attention.

Mr. HEAPS: There may have been a few isolated cases which have occurred in the knowledge of Mr. Stewart where some evil doers have gone around and taken advantage of the loopholes in the act, but generally speaking the act has been fairly well administered as far as the marking of the ballots is concerned. I do not care what you do—whether you use a pencil or a stencil—you will find that the same difficulties will arise.

Mr. GLEN: If a man wants to be crooked he will be crooked.

Mr. HEAPS: Absolutely. Again, we cannot legislate for exceptions.

Hon. Mr. STEWART: I would like to ask Mr. Castonguay if he can give us any suggestions. I believe Calgary is one case.

Mr. CASTONGUAY: Information regarding those cases very seldom reach the office—especially cases which are fought in courts. I know that cases such as Mr. Stewart has referred to have happened, but I do not think they now happen as often as they used to. In the old days there were no pencils, no stationery of any kind supplied to the deputy returning officers. For the last few general elections an envelope containing the necessary stationery has been furnished to each polling station, and in that envelope there are pen

handles, pen nibs, blotting paper and two or three lead pencils. These are special lead pencils provided with a cord and a fastener to secure the pencil to the voting desk, and since this special pencil has been used the difficulties have not been so numerous.

Mr. CLARK: The pencil is tied in the polling booth behind a screen.

Mr. CASTONGUAY: The instructions are that the pencil should be secured fast to the table where the voter marks his ballot, and I think the instructions have been followed quite well in all the various polling stations.

Hon. Mr. STEWART: There are still a large number of spoiled ballots in each election. You may not have reports on the cases that go to the courts, but there is a large number of spoiled ballots; and I presume you know the reasons, in some cases, of why they are spoiled.

Mr. CASTONGUAY: There were 50,000 rejected ballots in 1935, an increase of 100 per cent over 1930. That I think was due to absentee voting. The deputy returning officer was in such a fuss trying to grasp the absentee voting procedure that they did not properly instruct the voters as fully as they did in previous elections. If you look over the report of the 1935 election you will find that these rejected ballots are scattered through the 30,000 polls, and there is no great number of them in any one poll. I have had occasion to see some of the rejected ballots in the past and they were all rejected because they were not marked properly. Some were not marked at all. Some were marked for more candidates than existed. Others were marked with a figure or with writing of some kind. In each case there was a good reason for its rejection, and I have yet to see any number of ballots which have been rejected owing to tricks such as have been pointed out.

Mr. RICKARD: I think some ballots are intentionally marked in some other way than with a pencil.

The CHAIRMAN: What do you wish to do with this suggestion?

(Suggestion negatived.)

No. 58: "That in urban polling divisions the returning officers must hold schools for deputy returnning officers and poll clerks."

Mr. WOOD: That is good; but I believe you might substitute for the act after its revision general suggestions which could be printed and given to these men so that they would not have to read the whole of the act. Only certain sections of the act would be referred to them covering a condition that might happen to exist. After all, there is only a small portion of the act which it is necessary to apply to any polling division, and a summary of the act would be very valuable to these officials.

The CHAIRMAN: It could say that special attention is drawn to section so and so.

Mr. WOOD: Yes; I believe that Mr. Castonguay or Mr. Butcher could draw up a sort of guide to accompany this act which would cover everything.

Mr. CASTONGUAY: There is is a special book prepared for each class of election officers. For the deputy returning officers the book contains very elaborate instructions concerning their duties, and also a diary of their duties; and I think that book is as complete as it can be. This book contains a part of the Act which relates to the duties of deputy returning officers alone. Sections of the Act dealing with other subjects are left out, and it has been found very convenient. A special book will also be prepared for enumerators both urban and rural. These books are called excerpts of this Act and of the instructions.

(Suggestion negatived.)

The CHAIRMAN: Section 61 (*a*): "That revision of the lists of rural enumerators should not be dispensed with."

Mr. CASTONGUAY: It is called a revision, but it is not a revision, it is a correction. It is corrected by the person who prepared it. There was a suggestion made to the committee, and it was adopted, that the rural lists be printed. That suggestion was discussed and I said that only the preliminary list could be printed. The final rural list cannot be printed; there will not be sufficient time.

Mr. MCLEAN: I do not think we disposed of that matter.

Mr. CASTONGUAY: It was decided. I explained that only preliminary lists could be printed. Some time must be given between the preliminary list and the correction, because election workers must have time to examine the lists to suggest changes at the revision. If the final list in a rural polling division is printed you will find that the printer will not be able to do the work in time. Seeing that only the preliminary lists are printed, and seeing that the lists are corrected and revised by the same person, I am inclined to think it would work out all right if there is no revision or correction. The only difference will be that there might be more electors voting upon being vouched for. My experience has been that taking an electoral district with seventy-five polls, the enumerator stays there for three days from 2 o'clock until 10 o'clock to correct his list. He sends a statement of the changes to the candidate and one to the returning officer. I have gone over these statements of changes and in an electoral district of seventy-five polls I have found as many as thirty-five or forty with no changes at all and only two or three changes in the other polls. Candidates in the 1930 election also received those statements of changes, and they must know that these changes did not amount to very much.

The CHAIRMAN: Under the act now the rural enumerator stays for three days to revise this list.

Mr. CASTONGUAY: Under the 1930 act, yes.

The CHAIRMAN: Could not that time be cut down to one day? The point seems to me to be this, that if you leave a rural enumerator to make out a list without knowing there is going to be any check made he is going to have fifteen or twenty names added that he knows he is going to be paid for. That clutters up the list, and leaves the door open for personation and that sort of thing. It seems to me there should be time for revision just as a check on that enumerator.

Mr. MCLEAN: I think there would be an opportunity not only to add to the lists but to strike names off, even though voters have the privilege of being vouched for. I know of cases where large numbers of names were struck off.

Mr. CASTONGUAY: The fees allowed to the enumerator for those three days in the 1930 election and the 1934 registration amounted to $10 per person or $200,000 for the total. That means $10 for the three days, and the act calls for them to be available between the hours of 3 o'clock and 10 o'clock.

Hon. Mr. STEWART: One day is sufficient.

The CHAIRMAN: It seems to me that in a rural area one day is sufficient. Do we retain the provision and limit it to one day?

(Suggestion agreed to.)

I would like you to consider the next suggestion at your leisure, but as it is a long one and there is apt to be considerable discussion and it is after 1 o'clock I think we had better adjourn. The suggestion I refer to reads as follows:—"Suggested amendments to the Elections Act to facilitate voting by mariners."

The committee adjourned to meet Thursday, April 1st at 10 o'clock a.m.

APPENDIX

SUBMITTED BY MR. BUTCHER

REGISTRATION OF ELECTORS IN THE UNITED STATES

In considering this subject it must be remembered that in the United States of America there is no Federal Elections Act. The preparation of lists of electors for the election of Senators and the Representatives of Congress is the business of the individual States.

Representation is on a population basis, with reapportionment after each decennial census. After each census the President announces to Congress the number of Senators and representatives to which each State is entitled, and it then becomes the business of the State to see that they are elected.

Federal law requires that representatives shall be elected by districts composed of "a contiguous and compact territory and containing as nearly as practicable an equal number of inhabitants, with one member to a constituency."

The State fixes the boundaries of the electoral districts and prescribes the "times, places and manner of holding elections" for Senators and representatives, but Congress may any time make regulations or alter those made by the State, respecting the same.

In case of an increase in the number of representatives to which any State is entitled as the result of a new apportionment, the additional representative or representatives may be elected as representatives at large until a new apportionment is made.

Some form of registration is required by the law of every State except Arkansas.

In Arkansas a tax receipt or poll tax receipt must be presented at the poll before the elector is permitted to vote.

Only in a few cases, however, is registration required throughout the whole of the State; generally it is required only in villages, towns and cities of a specified population. For instance, in Michigan and Wisconsin it is:—

(*a*) Mandatory in all townships, cities and villages, of over 5,000 population.

(*b*) Permissive in townships, cities and villages, of under 5,000 population.

In Texas—in cities of 10,000 and over;

In Iowa—cities of 6,000 and over;

Kansas—cities of 2,000 and over;

Missouri—cities of 25,000 and over; and counties of 100,000 and over;

Nebraska—cities of 7,000 and over;

North Dakota—cities and villages of over 800;

Ohio—cities of 11,000 and over.

There are four systems of registration in the United States—annual, as in New York, Philadelphia, Cleveland, Cincinnati and some other cities; biennial, as in Chicago and San Francisco; quadrennial, as in Detroit, Baltimore, Kansas City, and permanent, as in Boston, Milwaukee, Portland, Denver, Omaha and Topeka.

But as I was making inquiries as to permanent registration in United States, I will refer only to that system.

Permanent registration, with reservations before mentioned, is a feature of the Electoral Law of at least 29 of the States, and among the many important cities and towns in which permanent lists, with continuous registration, are maintained, one might mention Boston, Milwaukee, Portland, Denver, Omaha, Minneapolis and St. Paul.

I was informed that it is generally considered that permanent registration is inherently unsuitable for very large cities, such as New York, Philadelphia, Cincinnati and Baltimore, because of the mobility of the population and of the ease with which election frauds may be committed where the lists are encumbered with thousands of names of persons who have died or have removed.

It is evident that permanent registration is growing in favour throughout the States, the number adopting the system increasing every year. But it must be admitted that the legislatures that have adopted it, and found the results satisfactory, have a very different conception of the means necessary to be taken in order to secure that the lists shall be up to date and clean, to that evidenced by our Parliament when enacting the Dominion Franchise Act in 1934.

The consensus of opinion among those with whom I talked was that unless the lists of electors can be kept free from dead weight it is better to conduct a new general registration immediately prior to an election.

I was informed that in the State of Virginia, with permanent registration but without any special means of purging the lists, it was discovered in 1927, when proper steps were taken to thoroughly purge them, that they contained names to as high as three times the number of actual electors. In one city in the state the registrar estimated that at least 10,000 names out of 30,000 were names of persons who had died or moved away.

In the U.S.A. a very definite opinion has apparently been formed to the effect that no one method of purging lists is sufficient: that it is necessary to employ several of many alternate methods, including:—

(*a*) Registration the year round at a central office.
(*b*) House to house canvass of all registered voters at least once a year, and that as close to an election as possible.
(*c*) Cancellation of registration of deceased electors through periodical reports from Registrars of Vital Statistics.
(*d*) Reports from proprietors of residential institutions, hotels, lodging houses, etc.
(*e*) Cancellation of registration on failure to vote, with reinstatement on personal application.

The following States cancel registration on failure to vote: Iowa, Kansas, Minnesota, Wisconsin, Oklahoma, Colorado and Oregon.

(It should be noted, however, that a corrupt political organization may easily continue names on the lists by means of personation and the use of repeaters.)

Keeping lists up to date and thoroughly purged by means of the foregoing methods is costly. In the undermentioned cities the costs are as mentioned:—

Boston	83·8 cents per elector per annum.
Denver	24 cents
Omaha	26 cents
Detroit	20·5 cents
Portland	13·4 cents
Milwaukee	13·7 cents

In some of the States a Certificate of Registration is given to the elector, and in more than one of the Southern States he is required to produce it at the polls before being permitted to vote.

The following are examples of systems of permanent registration in the United States:

REGISTRATION OF ELECTORS IN THE CITY OF BOSTON

The city of Boston adopted a very thorough system of permanent registration in 1896, and it is said that elections there are practically free from fraud. The elector, once registered, is not required to register again while resi-

dent within the city. When he moves from one address to another his name is transferred from his old address to his new address without any action on his part. This is accomplished through a complete listing of all adults annually. Registration is conducted at the head office of the Board of Election Commissioners throughout the year, except for a very short period immediately before an election. During the last ten days before the election registration is conducted in the various wards. The annual listing of all adults is done by police, with actual house to house visitation, principally by day patrolmen, though some is done by the night. The annual listing may well be called a census, for that is what it really is. The cost is 83·8 cents per elector per annum.

REGISTRATION OF ELECTORS IN THE CITY OF MILWAUKEE

Permanent registration is conducted at a central office the year round. There is a house to house canvass by the police prior to every important election. The elector, once registered, need not register again as long as he is resident in the city. He is expected to send notice of removal to a new address, but if he does not do so, the police canvass usually reveals the fact that he has moved, and the register is altered accordingly. The Secretary of the Board of Election Commissioners states that very few electors come to the office to register or to apply for transfer except during a campaign.

Registration and elections are under the control of a Board of Election Commissioners, three in number, composed of a Republican, a Democrat and a Socialist. The permanent staff consists of a secretary and four assistants, with additional help just before elections. The former secretary held office from 1894 to 1934 and his then assistant, Mr. Gaedtke, is now secretary. Mr. Gaedtke was assistant from 1919 to 1934.

Swearing in on the day of election is not permitted, but the elector may go to the registration office on that day, prove his qualifications and register, and then return to vote.

The population of Milwaukee at the last count was 578,249. At a recent check-up by police 56,000 names taken off the lists and 65,000 names added.

REGISTRATION OF ELECTORS IN THE STATE OF MAINE

Maine also has permanent registration. The Electoral Law of the State provides that all cities having 3,000 or more inhabitants shall elect a Board of Registration. The municipal officers make the lists of electors.

During the months of April and May in each year it is the duty of the Assessors to visit every house within their respective districts and list the name of every person entitled to vote. After the Assessors have prepared the lists they are required to transmit them to the Board of Registration. Lists of electors are brought up to date to at least thirty days before an election.

In this State a reading test is set for all applicants for registration, other than electors entitled to be on the list in 1893. Every applicant must be able to sign his own name.

In all towns and villages having more than 500 and less than 3,000 inhabitants it is the duty of the municipal officers to receive applications for registration on the three secular days immediately preceding election.

REGISTRATION OF ELECTORS IN THE STATE OF OREGON

Oregon has permanent registration. It is the duty of the Clerk of each county throughout the State to prepare the register of electors. Applicant must personally appear for registration at the office of the Clerk.

A qualified person having registered is not required to register again unless he fails to vote at least once within the biennial period. If, however, he has failed to vote within that period, he will be reinstated on application.

This State requires that an applicant for registration shall read at least fifty words and write at least ten of the Election Law of the State.

REGISTRATION OF ELECTORS IN THE STATE OF OHIO

The Electoral Law of Ohio provides that every city of 16,000 or more shall maintain a registration of all qualified persons. This shall be maintained under the supervision of a Board of Elections. Registration is permanent and the registration office is open at usual business hours, except for twenty days before and ten days after an election.

Branch registration offices may be opened for a period of not more than ten days before close of registers for an election.

Notice of change of residence may be given by mail on a prescribed form, accompanied by confirmation of two electors.

Registrars of Vital Statistics must notify the Board of Elections once during each month.

Police officers are required to make a check-up within sixty days before a general election in order that the lists might be brought up to date. The Board is empowered to employ other persons to do the work if necessary.

Landlords, proprietors, keepers of lodging houses, inns, hotels, etc., in registration cities, must keep a register containing the name, residence, date of arrival, room occupied and date of departure, with room for signature of guest, and the register must be open for inspection at all times, and registration officers may require that information, shall be supplied to them at any time and in any manner prescribed by them.

HOUSE OF COMMONS, ROOM 429,

April 1, 1937.

The Special Committee on Elections and Franchise Acts met at 10 o'clock, Mr. Bothwell, the chairman, presided.

Mr. HARRY BUTCHER, recalled.

The CHAIRMAN: Since the last meeting I sent a wire to Mr. Norris in which I advised him that any submissions he had to make on the Japanese question should be sent direct to the Secretary of State.

Mr. MACNICOL: That was in reference to the Japanese matter.

The CHAIRMAN: Yes. Mr. Norris knows from past correspondence what it has reference to.

Now, Mr. Butcher was asked at some stage during our sittings to prepare a memorandum in connection with the conduct of scrutineers and that sort of thing at the polls. He had made some study of that matter, and he has a short synopsis here as the result of his studies which I think should be placed on the record so that we will not lose track of it. I do not know that it is necessary to have it read.

Mr. MACNICOL: It should be placed on the record.

COMPILATION MADE BY MR. HARRY BUTCHER ON THE SUBJECT OF OUTSIDE SCRUTINEERS IN VARIOUS STATES OF THE UNION, AND IN THE PROVINCE OF ALBERTA

Section 693 of the Montana Elections Act:—

. . . . No person whatsoever shall do any electioneering on election day within any polling place, or any building in which an election is being held, or within twenty-five feet thereof; said space of twenty-five feet to be protected by ropes and kept free of trespassers; nor shall any person obstruct the doors or entries thereto, or prevent free ingress to and egress from said building. Any election officer, sheriff, constable, or other peace officer is hereby authorized and empowered, and it is hereby made his duty to clear the passageway, and prevent such obstruction, and to arrest any person so doing.

Paragraph 438, Section 6, of the New Jersey Elections Act

If any person shall on election day tamper, deface or interfere with any polling booth or obstruct the entrance to any polling place, or shall obstruct or interfere with any voter, or loiter, or do any electioneering within any polling place or within one hundred feet of any polling place, he shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars or by imprisonment not exceeding one year or both at the discretion of the court.

Section 4785-221 of the Ohio Elections Act

Whoever, being one of two or more persons congregating in or about a voting place during the receiving of ballots, so as to hinder or delay an elector in registering or casting his ballot, having been ordered by the registrar or judge

of elections to disperse, refuses so to do, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty dollars nor more than three hundred dollars or imprisoned in the county jail not more than six months, or both.

Paragraph 36-1512 Elections Act of Oregon

In all incorporated cities and towns in this state no person shall approach or stand within fifty feet of the polls when open for the purpose of receiving votes, except such peace officers as are particularly selected or appointed by the judges to preserve order or enforce the law within such limits, and electors actually desiring and proceeding to vote, and but ten electors shall be permitted to approach the polls within fifty feet at the same time; provided, however, that the said judges of election shall, if requested, permit one person from each political party, selected by the party, to stand outside of the guard rail at the polls, while open for receiving votes, for the purpose of challenging voters; and the said judges of election shall, if requested, permit the respective candidates, or some person selected by a candidate or by several candidates, or by a political party, to be present in the room, but outside of the guard rail, where the said judges are during the time of receiving and, after the polls are closed, during the time of counting the votes. Such selection shall be evidenced by a writing signed by the chairman and secretary of such political party, or by the candidate or candidates, and presented to and filed with the judges.

Paragraph 551 of the Minnesota Elections Act

It shall be unlawful for any person within one hundred feet of the building in which any polling place is situated on the day of any primary or election to ask, solicit or in any manner to try to induce or persuade any voter on such primary or election day to vote for or refrain from voting for any candidate or the candidates or ticket of any political party or organization, or any measure submitted to the people, and upon conviction thereof he shall be punished by a fine of not less than five dollars nor more than one hundred dollars for the first offense, and for the second and each subsequent offense occurring on the same or different election days, he shall be punished by a fine as aforesaid, or by imprisonment in the county jail for not less than five nor more than thirty days or by both such fine and imprisonment.

Section 36 of the Massachusetts Elections Act

Whoever wilfully and without lawful authority hinders, delays or interferes with, or aids in hindering, delaying or interfering with, a voter while on his way to a primary, caucus or election,.....shall be punished by imprisonment for not more than one year.

Section 105 (2) of the Elections Act of the Province of Alberta

Any person posting up within or on the outside of any building used for a polling place or distributing within such building or within one hundred feet thereof any election circular, card, poster bill or other paper on polling day shall be liable on summary conviction to a penalty not exceeding twenty-five dollars.

The CHAIRMAN: The first matter we have to deal with this morning is suggestion 62:—

> Suggested amendments to the Elections Act to facilitate voting by mariners.

A letter was received last year from the Canadian Navigators' Federation Incorporated which reads as follows:—

During the session of 1934, on behalf of the Canadian Navigators' Federation Incorporated, St. Lawrence Division, we submitted to parliament a request so as to obtain for the mariners of Canada the rights and privileges to vote at Dominion elections by proxy.

I am enclosing herewith on behalf of the Federation, that is to say shipmasters, officers and pilots and other mariners, the same request which was submitted to parliament and which was acted only partially upon and which was found not to be satisfactory, therefore our reason to come back again this year with the same request.

I must say that the plan of voting by proxy which we are respectfully submitting to the consideration of your committee is practically the same thing which has been adopted by the provincial parliament of our big sister province of Ontario during the year of 1929 and which is in their statutes now, and our information is that the plan is working finely and smoothly to the great satisfaction of the mariners of that province.

Therefore it is our great hope that we shall be granted the privilege of voting by proxy at Dominion elections, as stipulated in the memorandum which I am submitting herewith for consideration.

With that letter they enclosed a file of suggested amendments to the act covering the matter from the mariners point of view. Last year when we drew the By-Elections Act we had a provision for absentee voting that applied to fishermen, lumbermen, miners and sailors. While we did not dispose of the question completely last year, we drew up the By-Elections Act, doing away with absentee voting, and the vote of the committee this year is that we do not continue absentee voting. That disposes of those four classes—fishermen, lumbermen, miners and sailors; and the question we have to decide now is whether we are going to grant the request of the Navigators' Federation. Mr. Butcher can give us shortly the procedure in Ontario, and how it works out in connection with provincial elections in Ontario.

The WITNESS: The amendments suggested by the Canadian Navigators' Federation will be found on page 71 of the Journals of the House, No. 74, containing the proceedings of the committee last year. The amendments propose that mariners shall have the right to vote by proxy; that they may, in writing, appoint either father or mother, son or daughter, husband or wife, brother or sister to cast their votes. I should inform the committee that the word "mariner" in this case is intended to include any man or woman in the service of His Majesty's Navy of Great Britain or Canada, or who may be employed in any capacity on any vessel of any description whatsoever. It is proposed in these amendments that a mariner who will be engaged in his duties and absent from home on the day of the issue of the writ may appoint, in writing, one of the relatives I have mentioned.

Mr. MACNICOL: On the day of the issue of the writ.

The WITNESS: Yes. If he is employed as a mariner on the day of the issue of the writ.

The CHAIRMAN: And any day subsequent to that.

The WITNESS: Yes, any day subsequent to that. The appointment must be dated between the date of the issue of the writ and the date of the election, and it expires on the day of the return of the writ. That is what is proposed in these amendments. They are the same provisions as are found in the Ontario statutes. In fact, it seems to me that these amendments are copied therefrom with certain necessary changes. The same provision is found in the Representation of The People Act in Great Britain where mariners may vote by proxy. That includes not only mariners but many other persons who may be on the sea or who may expect to be on the sea on polling day.

Mr. MacNicol: Have you any idea of the number of people this provision would apply to in Ontario?

The Witness: I have no idea.

Mr. MacNicol: The C.P.R. boats and other boats are back and forth once or twice a week.

The Witness: This would apply to the whole of Canada.

Mr. MacNicol: These amendments would refer to sailors on the ocean largely, because the lake seamen keep going back and forth.

The Chairman: It would apply to quite a number of people on the Great Lakes who would be away on election day.

Mr. MacNicol: Yes. There is a provision covering them now.

The Chairman: There is a provision for an advance poll.

Mr. Castonguay: Yes.

Mr. MacNicol: That is held two or three days before the election. I believe that the sailors on the Great Lakes use the advance poll for the casting of their ballot. There was a case—I think at Port McNicol—where there was supposed to be some difficulty in connection with the voting of sailors.

Mr. Castonguay: Yes. I think that was in 1930.

Mr. MacNicol: At that time, could a sailor vote before he left home if his ship sailed the day before election day? Could he vote at the advance poll?

Mr. Castonguay: The difficulty there was that the sailors in question resided in Toronto, Hamilton and other places in different electoral districts. To be entitled to vote at an advance poll the elector must be qualified to vote in the same electoral district in which he seeks to vote.

Hon. Mr. Stirling: It would be a help to know, even roughly, how many people this would apply to. It occurs to me at the moment that it would apply to the ordinary steamships crossing the Atlantic, to a few steamships crossing the Pacific, to men and women crossing the Pacific, and possibly the coastwise shipping should be included. Possibly a few on the Great Lakes should be included. But apart from these surely it could not apply to any very considerable number. If it is granted to these cases, it seems to me there will be a demand to have it apply to others.

Mr. MacNicol: Did we have this in the Election Act of 1930?

Mr. Castonguay: No. The only place where this has been in force is in the provincial elections of Ontario.

Mr. Heaps: Is this not merely an attempt to get around the matter of absentee voting?

The Chairman: Before you came in, Mr. Heaps, I drew attention to the fact that the absentee vote which we decided to abolish applied to fishermen, lumbermen, mariners and sailors. Now, we have before us a letter from the Navigators' Federation asking that practically the same provisions as are contained in the Ontario Act be inserted in the Federal Act to cover navigators.

Mr. Heaps: The moment you start making exceptions you will have to widen the act until there is no limit.

Mr. Purdy: It seems to me that these men should be given a chance to cast their vote. There are a large number of them in Canada as a whole. There are times in Nova Scotia when our fishing fleet is away at the banks and our men cannot vote.

Mr. Heaps: How many times do they go away, and for how long?

Mr. Purdy: They are away for a week, ten days or two weeks at a trip.

The Chairman: Perhaps Mr. Butcher would read the act.

[Mr. Harry Butcher.]

The WITNESS: May I read the relevant portion of the suggested amendments:—

> " Mariner " shall mean and include any man or woman who is serving in His Majesty's Naval forces of Great Britain or Canada or is serving or employed in any capacity on a vessel or vessels of any description in the service of the Dominion government, or is employed in any capacity on any vessel or vessels of any description at the time of the issue of writ for any federal election.

Hon. Mr. STIRLING: That covers the matter.

Mr. HEAPS: If you make special provision for fishermen you will have to consider the case of the man who is crossing the ocean on business. That man is in the same category as the fisherman.

Mr. PURDY: There are so many more in the fishermen class.

Mr. MACNICOL: There are far more in the commercial traveller class.

Mr. PURDY: They have the advance poll.

Mr. MACNICOL: A commercial traveller may be in the northwest for several weeks at a time.

Mr. PURDY: You are stating an exceptional case.

Mr. HEAPS: No, he is not—not any more than in the case of fishermen.

Mr. PURDY: I venture to say that for every commercial traveller in this class there are seventy-five fishermen.

Mr. HEAPS: How long are the fishermen away on fishing trips?

Mr. PURDY: Sometimes for a month.

Mr. HEAPS: If they are away for a month then they are probably too late to vote anyway, and if they are away on an average for a week or ten days they will be back in time to vote.

Mr. PURDY: Suppose a boat is going to the West Indies from Halifax, the crew on that boat would not be back in time for election day.

The CHAIRMAN: Consider the case of people who are sailors by vocation, there must be a great number of them in this country who are disfranchised by the act as it is at present. Now, as far as miners are concerned most of them have an opportunity of voting. Of course, they are a floating population to some extent, and there will be certain persons who will be disfranchised, but, generally speaking, miners have an opportunity to vote. The same is true of lumbermen. But it seems to me that sailors and fishermen have no opportunity to vote at the present time, and we should make some provision for them.

Mr. GLEN: Is Ontario the only province that has this provision? Has Nova Scotia not provided for them in their provincial statutes? If not, let them be the first to start.

Mr. HEAPS: May I ask if there is anything in the British Act covering the voting of sailors on election day?

The WITNESS: In the British Act there is a similar provision to that in Ontario, but it is much wider; it includes any person who will be absent on the sea at the time of polling.

Mr. HEAPS: How are they allowed to vote?

The WITNESS: By proxy. In the same way. By husband or wife, father or mother, son or daughter, brother or sister, provided that the individual appointed is of the full age of twenty-one years and is on the list of electors.

Mr. HEAPS: The secrecy of the ballot disappears the moment a person votes for another party.

Mr. MacNicol: Do you say that Nova Scotia has not an act of this character?

The Witness: There is no similar provision in any province in Canada other than Ontario.

Mr. MacNicol: Has New Brunswick?

The Witness: No.

Mr. Purdy: We should show the way here.

Mr. Heaps: I do not mind facilitating opportunities for everybody to vote, but I still maintain that the moment we start laying down general rules and principles we get back to exceptions, and I know that it is impossible to make exceptions and to satisfy the general body affected by them. The advance polls should continue to cover a case of this kind. If we carried out this idea suggested by Mr. Butcher of voting by proxy—and I object to that just as I objected to registration by proxy—you do not know whether you are getting the opinion of the party who wanted to vote. A husband or a wife might vote in a different way from each other, but if a proxy were permitted the vote might not be cast in a different way. Such things are likely to happen. If we regard the right of voting as something sacred in the hands of electors, I do not think we should give that right to another party—transfer that right to somebody else.

The Chairman: I may say in this connection that we have not heard from these people since March 9, 1936, and there has been no attempt to make personal representations to the committee. I have an open mind on the matter, but I wanted to place before you as strongly as possible the situation as I see it, and it is an important one. Mr. Heaps remarked that this was Mr. Butcher's suggestion. It is not Mr. Butcher's suggestion; it is a request from the Navigators' Federation.

Mr. Heaps: I would like to see everybody vote in person—not by proxy. If the date between the advance poll and election day could be made a little longer than it is now, we might catch people who do not vote at present.

Hon. Mr. Stirling: What percentage?

Mr. Heaps: We might get more.

The Chairman: And another crowd might be missed.

Mr. Heaps: You might go to the extent of having the advance poll held a little longer. That would not increase the cost; the cost could be kept down to the minimum.

The Chairman: If neither Nova Scotia nor British Columbia have seen fit to adopt this suggestion in their provincial elections, possibly that condition eases the situation for this committee.

Mr. Glen: Yes.

Mr. MacNicol: If Nova Scotia, Prince Edward Island, New Brunswick and British Columbia had a similar act I would say that we should incorporate the suggestion in our act.

The Chairman: Could we have a motion as to that?

(Suggestion negatived.)

No. 63: "Suggested new form of ballot."

The Witness: This suggested form of ballot was sent to me by Mr. A. Huckerby of Kennedy, Saskatchewan. He has written to me as follows:—

> As you are aware, at every election there are a number of spoilt ballots, and if subject to a recount, a large number of others would be rejected, and all through faulty marking. Now, with ballots such as the sample enclosed, all a voter has to do is simply remove the loose end of

tab from under holder, opposite the name of candidate they wish to vote for, and tear off at secured end, leaving the cross exposed. Thus, each and every ballot will be marked clear and distinct, and in the right place, with no chances of errors.

In addition to the simplicity and effectiveness as described, this ballot is worthy of very serious consideration on sanitary grounds, as it will eliminate the necessity of every voter using the same pencil with the ever present danger of spreading germs while doing so.

Mr. MacNicol: Does this suggestion come from Saskatchewan?

The Witness: Yes.

Mr. MacNicol: I hope it does not come from Swift Current, Mr. Chairman.

The Chairman: No. Kennedy is some distance from Swift Current.

Mr. Purdy: I think the suggestion had better be consigned to the waste-paper basket.

Mr. Glen: I move that the suggestion be negatived.

(Suggestion negatived.)

The Chairman: No. 64 is the Japanese question. No. 65 is "Suggested amendments to the Franchise Act." These have been made by the Franchise Commissioner, and they are pretty well disposed of by the action the committee has already taken.

The Witness: I think they are disposed of.

The Chairman: Now, there were three suggestions—two of them have been made since last year, and one was put on the record last year—regarding proportional representation and alternative voting. That is the point system, and we did not spend very much time with it. It might be well to hear the suggestions which have been made this year.

Mr. Heaps: May I ask, before we go further, whether it is the intention of the committee to make a report to parliament?

The Chairman: At our last meeting I explained that last year, when we were reporting on the results of the deliberations of the committee, we appointed a sub-committee to draft a report. This year there is so large a volume of suggestions that I suggested, and the committee agreed with me, that Mr. Butcher, Mr. Castonguay and I would draft a report and read it to the committee, and then if it were found advisable we could appoint a sub-committee in connection with suggestions that might be made with regard to objectionable clauses. In that way we would have a draft report before that sub-committee, and they would be able to dispose of these questions in a much quicker manner.

Mr. Heaps: All I wanted to know was whether it is the intention of the committee to have the house informed of our deliberations before the end of the session?

The Chairman: Yes.

Mr. Heaps: In that case, we are going to be considerably rushed, particularly since an effort will be made to finish the work of parliament before the end of next week. This means that the chairman, Mr. Castonguay and Mr. Butcher will have to wade through a lot of material quickly, and I think it is impossible to do it.

The Chairman: That has been done to a considerable extent.

Mr. Heaps: Even so, the report has got to come back here and this committee will have to consider it. There are other matters still to be considered by this committee. I do not know why there should be any particular rush to present a report.

Mr. MacNicol: We have to do it.

Mr. HEAPS: We could present an interim report as we did last year. I do not like to see things rushed through. We should give proper consideration to our deliberations.

The CHAIRMAN: Something may arise from the report after it is drafted that might necessitate holding matters up, but, in any event, we shall have to have a report, and we can decide then what we shall do with it.

Mr. HEAPS: The report which you and Mr. Castonguay and Mr. Butcher will bring before the committee will depend, to a large extent, upon whether we want to make a final report or just an interim report. If we want to bring in a final report, I doubt if we have time to do it properly.

The CHAIRMAN: As I understand the situation, it is the intention of the government to have an act drafted for consideration at the next session—a new elections act. This committee will have to be set up again—or a similar committee—to dispose of the question of redistribution; but that is a question that will become effective, possibly, only after the next census; so we have time enough for that. However, as regards the Elections Act, the government apparently believes it is necessary to have an act next year.

Mr. MACNICOL: So it is, Mr. Chairman.

Mr. HEAPS: I am not attempting to dispute the soundness of the argument. The question of redistribution can be taken care of. There was a certain matter regarding the size of constituencies to come before this committee, but no action has been taken. As a matter of fact, if my memory serves me aright, at the beginning of this session certain members of the house raised a question as to changes. I do not know whether it is the intention of this committee to discuss that point.

The CHAIRMAN: No. All this committee has to do is make recommendations to the government as to methods which should be followed in making a redistribution. That is, we would lay down certain principles that should be followed in arriving at a redistribution. So far as inequalities which have existed since the last redistribution are concerned, it is not within the province of this committee to deal with that matter.

Mr. HEAPS: It is my opinion that when the motion was before the house Mr. Lapointe made certain observations.

The CHAIRMAN: Yes, but you will notice the form in which the reference to us is made.

Mr. HEAPS: This matter arose out of a question raised in the house, and my impression is that Mr. Lapointe promised the member who brought in the motion that the matter would be discussed before this committee.

The CHAIRMAN: May I say that I have discussed the matter personally with Mr. Lapointe and with the proposer of the resolution, Mr. Brunelle, and they are both agreed that all this committee can do under the reference that has been made to us is to dispose of the question of principles that should govern in arriving at a redistribution.

Mr. MACNICOL: We have not done that yet, and we can hardly do it now; but I suggest that in your report you could say that the committee had discussed the principle but had not found time to arrive at a conclusion, and recommend that the subject be brought up again. I believe that this committee will have to meet again next year.

The CHAIRMAN: On redistribution.

Mr. MACNICOL: Yes:

The CHAIRMAN: I would like to suggest to the committee that while we have Mr. Butcher here there are certain subjects which he has studied which we should get on the record this year, thus obviating the necessity of having

to call him back next year. Also, Mr. Pouliot would like to have five minutes to address the committee on the principle of redistribution, and Mr. Brunelle also would like to have a few minutes. Now, if we can dispose of the matters which are now before us we shall be able to make a report to the house giving them the basis for a new election act. That election act will come before the committee for its consideration next year. But this year we can report to the government our conclusions in connection with elections and franchise.

Mr. MacNicol: Exactly. That subject is entirely separate from the redistribution question.

The Chairman: Yes.

Mr. Heaps: My impression was—I may be wrong; I usually am—that the matter was referred to this committee and that we were to take some action on it.

The Chairman: Do you mean in connection with particular cases?

Mr. Heaps: Yes.

The Chairman: No. The reference does not read that way. I discussed this matter with Mr. Brunelle and Mr. Lapointe, and they agreed that this committee has nothing to do with particular cases.

We are to hear a suggestion made by Mr. Jopp of Swift Current.

The Witness: Mr. W. E. Jopp proposes what is really another form of alternative voting. The main suggestion he makes is that a different form of ballot should be used. Instead of using a ballot which is marked numerically, his ballot has a series of columns and the elector marks his first choice in the first column, his second choice in the second column, and his final choice in the third column.

Hon. Mr. Stirling: Does this mean a re-opening of this matter?

Mr. MacNicol: I move that the suggestion be negatived.

(Suggestion negatived).

The Witness: Mr. Walker's suggestion is merely another form of proportional representation.

Mr. MacNicol: We have dealt with that too.

The Chairman: The point I wish to suggest to you is that this committee is still sitting; that this reference was made to us last year and again this year; and we want to be able to notify these people that their suggestions have come before the committee.

Mr. MacNicol: I move the suggestion be negatived.

Mr. Heaps: Is the committee of the same opinion as it was last year?

Hon. Mr. Stewart: The matter should be put in the record.

Mr. Heaps: Mention that the latter was received, but do not record all the correspondence.

The Chairman: Mr. Walker's suggestion is in effect a different form of proportional representation; in the suggestion of Mr. Jopp a different form of ballot for alternative voting was suggested. Then we had the point system. That suggestion also happened to come from the Swift Current constituency. That matter is contained in last year's record. Does any member wish to speak on that matter? Could we have a motion approving of the findings made by the committee last year in connection with the reference that has been made to us this year?

Mr. Robichaud: I will make a motion to that effect.

Mr. Purdy: I shall second it.

(Motion carried.)

Mr. FAIR: Has any objection been made to the present form of official return to be made by candidates or members after an election?

The CHAIRMAN: We discussed that subject the other day. There are penalties in the act now for failure to make returns.

Mr. FAIR: I was not referring to penalties; I was referring to the form of the act. Is it found cumbersome?

The CHAIRMAN: Mr. Castonguay, have there been complaints in connection with the form in which election returns are made by candidates—in which they must be made?

Mr. CASTONGUAY: I have not received any complaints. Of course, these returns of election expenses do not go past the returning officers, and they very seldom reach me. When they do reach me I send them back to the returning officers, where they belong. I have not received any complaints that the form was cumbersome or too hard to fill in. I think the form is clear. Once it is examined, the purposes of the various blanks are clear.

Mr. FAIR: Personally, I have no objection to it, but I have heard two or three members speaking of it as being cumbersome.

Mr. MACNICOL: A number of candidates do not make returns. Is there any effort made to have them make those returns, or can they be compelled to make returns?

Mr. CASTONGUAY: Under the law as it is, I have had returning officers report to me that candidates have failed to make a return, and I have advised the returning officers that they have no duty to perform in that respect. They are not required to ask the candidates to make a return. I instruct the returning officers that all they have to do is to furnish the candidates with the necessary blank forms, and if the candidates fail to make a return it is their own responsibility.

Hon. Mr. STIRLING: Except as regards successful candidates.

Mr. CASTONGUAY: Not even in the case of successful candidates.

The CHAIRMAN: The candidate can be penalized.

Hon. Mr. STIRLING: He is the man who sits in the house in jeopardy.

Mr. CASTONGUAY: There is no obligation on the part of election officers to ask candidates to make their election expenses returns. The returning officer receives the returns when they are filed; but, as I said before, many defeated candidates fail to make returns, and in quite a few cases members have sat in the house for two or three years without making them.

Hon. Mr. STIRLING: What is the use of having legislation covering that matter?

Mr. MACNICOL: There is a penalty for not making a return.

Mr. CASTONGUAY: There is a severe penalty. The penalty to a member who sits in the house without having made a return is $500 for each day's sitting.

Mr. CLARK: As regards returns made by a candidate, there is one thing that is troublesome, and that is that the candidate is required to state that he will not pay any other bill. Now, sometimes it occurs that a bill is really legitimate and should be paid by some person who does not happen to be elected. What is the candidate's situation in that respect? What can he do?

Mr. MCCUAIG: Can he not go before a judge and get an order to pay the bill?

Mr. CASTONGUAY: If a candidate has failed to make his return he can go before a judge and get permission to make one, even two or three years after the election.

Mr. McCUAIG: Mr. Clark was speaking of a person who owes a bill and wishes afterwards to pay the account. Is there not some provision whereby he can pay that account by going before a judge?

Mr. CASTONGUAY: Certainly.

The CHAIRMAN: Are there any other questions to be brought before the committee? If not, I would like to get a suggestion from the committee in connection with this matter of the synchronization of voting hours. My original idea was to state in the report that the suggestion had been made that we should recommend the synchronization of hours of voting so that one part of Canada would not receive news of the result in another part before their vote was polled. I think it would be advisable to make that suggestion and leave it as an open question for the government to decide. There might be some bright men in the department who may be able to find a solution.

Mr. MacNICOL: I think that is advisable, provided we recommend serious consideration.

Mr. PURDY: And point out the serious difficulties.

The CHAIRMAN: Yes, that there are objections. I think the press report of a few days ago had the matter pretty well sized up.

Mr. MacNICOL: I did not read that. Someone made the suggestion that the geographical division be between Manitoba and Ontario and that people should vote an hour earlier on one side of that line and an hour later on the other side. That sounded good to me.

Mr. RICKARD: They would not accept that in British Columbia.

The CHAIRMAN: It will be necessary for the committee to meet a couple more times to hear representations in regard to redistribution. We should get something on the record; we may not have an opportunity to do so next year. We shall have to consider our report also. If it is agreeable to the committee, we will meet to-morrow morning at 10 o'clock to hear those who have presentations to make on redistribution.

The Committee adjourned to meet Friday, April 2, 1937, at 10 o'clock a.m.

HOUSE OF COMMONS, ROOM 429,

April 2, 1937.

The Special Committee on Elections and Franchise Acts met at 10 o'clock, Mr. Bothwell the chairman, presided.

The CHAIRMAN: Gentlemen, it is our intention this morning to deal with the question of redistribution in so far as we are looking into that matter this year. Mr. Pouliot, the member for Temiscouata, is before us this morning and will submit evidence on the question of redistribution, and Mr. Butcher has made a study on the subject and will also present evidence this morning.

Now, we will hear from Mr. Pouliot. Gentlemen, I would direct your attention to our reference in this connection. I think we had better note it in the evidence to show that we are dealing with a different subject. The reference reads:—

> That a special committee be appointed to study the Dominion Elections Act, 1934, and amendments thereto and the Dominion Franchise Act, 1934, and amendments thereto, be instructed to study and make report on the methods used to effect a redistribution of electoral districts in Canada and in other countries and to make suggestions to the house in connection therewith.

That is the reference we are dealing with this morning, and on which Mr. Pouliot will speak.

JEAN FRANCOIS POULIOT, M.P., called.

The WITNESS: In my opinion the subject of redistribution is one which should be studied scientifically, and that means with plain common sense. In 1933 Mr. Lapointe asked me to undertake some work in this connection, and the result covers a period of eighty years—from 1853 to 1933.

The first thing to be done in a matter of this kind is to look at the description of each constituency in the first statute. I might explain to the committee what has been done in the province of Quebec, and the same thing could be done for the other provinces. In the province of Ontario the work would be of about the same extent. That is also true of the Maritime provinces, but in so far as the west is concerned, the work would be of lesser volume, because the provinces of the west were not created until 1905. Mr. Butcher has had considerable experience in this matter, and he should be able to do this work very well if the committee should decide that he be asked to do it during the next recess.

I shall now explain to the committee how this work was done without reading in detail. The first matter of importance is to have separate copies of the description of each constituency within a province, after which one goes to the subsequent redistribution to see if there is any change; and so on until now. The work could be done from the beginning until now very easily by proceeding that way; and then by having notes taken on separate sheets for each county or constituency at each redistribution the history of each redistribution can be made at the same time. It is very simple; but it is easier to do it than to explain it.

Mr. CLARK: You mean to go back to 1867?

The WITNESS: Yes, exactly, when we can.

Mr. HEAPS: Why go back so far?

The WITNESS: To see that the units of rural constituencies are about the same. Many small changes have taken place in the rural constituencies—

Mr. CLARK: A great change has taken place in New Brunswick.

The WITNESS: Perhaps so; but on account of population. However, that is an extraordinary case. Normally, the population grows in equal proportion in nearly all rural constituencies, and we see that it grows gradually. At the same time, we should take into consideration the population in each constituency at the time of each census. Before the redistribution in 1933 many constituencies in the province of Quebec were about the same as they were in 1860, although the population was greater.

Mr. HEAPS: You mean geographically?

The WITNESS: Exactly. Geographically; and some changes were made at times by taking one or two parishes or townships out of a constituency and adding them to a neighbouring constituency, and it was brought back afterwards, and then it was removed again. Before 1933, there were some minor changes made in most of the constituencies, and when the population was very considerable two of the smaller constituencies were united together to form a larger one. It seems normal, because people in one county have traditions; they are accustomed to go to the same place—for instance, the chief town of that constituency—and it disturbs them very much when there is a change of that kind. Therefore, when there is a case of force majeure, the better way to settle that difficulty is to put two constituencies together.

The basis of such work must, naturally, be the old statutes, and the only place to find a complete set of statutes, both federal and provincial, is here in the House of Commons, in the library of parliament, and that information could be supplemented by the library of the Supreme Court of Canada. With these statutory descriptions of each constituency, one can trace the history of all redistributions in each constituency in each province. For instance, with that statutory information available it is possible to see the changes of electoral districts in Quebec from 1860 to date. There is a tabulation showing the changes that were made until 1933. Changes were made in thirty-nine constituencies out of 65 from 1860 to 1933. From 1853 until 1933 exclusive there were sixteen constituencies in which there was no federal change during those eighty years; there were five old constituencies then united to other constituencies in which there was no other change since 1853. From 1853 until 1933 there were six constituences in which there were changes *pro forma* respecting the old boundaries of constituences. In 1882 the island of Anticosti was added to Chicoutimi-Saguenay, and in 1914 new Quebec was added. New Quebec is the northern part of the province formerly known as Ungava. That territory was also added to the constituency of Chicoutimi-Saguenay, and in 1882 the Madeleine islands were added to Gaspe.

The CHAIRMAN: How many representatives are there now in the new territory that has been added to the province of Quebec?

The WITNESS: There is none.

The CHAIRMAN: The territory was joined onto existing constituencies?

The WITNESS: Exactly, sir. Before these islands I have referred to were added to constituencies none of the residents there could vote, but by adding Anticosti to Chicoutimi-Saguenay the right to vote was given to the people living on Anticosti island, and the same is true of the Madeleine islands which were added to Gaspe in 1882. There is no special member for the Madeleine islands.

Fifteen constituencies were united: Chicoutimi-Saguenay, 1867; Drummond-Arthabaska, 1867; Richmond-Wolfe, 1867; Chambly-Verchères 1892-1893; Laprairie-Napierville, 1892; St. Jean-Iberivlle, 1892; Trois-Rivières-St.

Maurice, 1892; Chateauguay-Huntingdon, 1914; L'Assomption-Montcalm, 1914; Laval-Deux-Montagnes, 1914; Québec-Montmorency, 1914-1924; St. Hyacinthe-Rouville, 1914; Vaudreuil-Soulanges, 1914; Berthier-Maskinonge, 1924; Brome-Missisquoi, 1924.

Now, I will deal with the new description of constituencies since 1853: Bellechasse, 1882; Laval-Deux-Montagnes, 1892; St.-Hyacinthe-Rouville, 1893. New constituencies were created outside of the city of Montreal as follows: Hull, 1914; Labelle, 1892; Lac St-Jean, 1924; Matane, 1914; Rimouski, 1914; Wright, 1892. There is a list of changes to the old limits of counties.

Mr. CLARK: Have these changes meant an addition to certain counties?

The WITNESS: We have generally accepted in Ottawa the provincial description of counties. For instance, let us consider your own constituency of York-Sunbury. At first there was the provincial description of York and the provincial description of Sunbury, because the first legislation was passed before confederation and it was respected afterwards.

Mr. CLARK: The changes were put into effect in the same way; that is, counties were added together in order to reduce the number?

The WITNESS: Yes, exactly. They had to do that on account of the population in the cities.

Mr. HEAPS: On account of the shift of population.

The WITNESS: Yes, on account of the shift of population from the country to the cities; and they united these constituencies, and the reason why I went back so far was that I wanted to have the first provincial description before confederation—the description which is the basis of our own legislation to-day. Naturally, the case is different in the west because the description of western constituencies was made a long time after confederation.

The CHAIRMAN: I think I should direct attention to the fact that Quebec is in a little different position to other provinces.

The WITNESS: Yes, because the number of constituencies does not change.

The CHAIRMAN: Quebec has a fixed number of representatives, whereas the other provinces, since confederation have had a changing representation.

The WITNESS: Exactly.

The CHAIRMAN: And that necessitated in all other provinces more change in boundaries of constituencies than would be found necessary in the province of Quebec.

The WITNESS: Surely; but the idea was to take care of changes of population, and those changes mere mostly minor. In a great many instances most of the changes were for the removing or placing of a parish from or to a constituency.

This work can be done properly only in Ottawa, and if the committee decides to ask Mr. Butcher to do this work he should have an office in the House of Commons so that he shall have the facilities of the library of parliament. It will be almost impossible to do this work outside of this building because of the number of books that will have to be consulted from time to time, such as provincial statutes.

Then follows a history of redistributions in each constituency. The first one is the description which was in the revised statutes of Canada, 1860, and it is exactly the same description that appears in 16 Victoria, Chapter 152, at the time of the Union, and that description has been reproduced in the Revised Statutes of Canada of 1860.

The CHAIRMAN: Do you mean 1867?

The WITNESS: Of 1860, sir. The Revised Statutes of Canada, 1860. It included the legislation of Ontario at the time of the Union, and they made a condensation of all their laws, which was the first condensation of statutes. Here we have the redistribution by constituencies. For instance, I have Argenteuil, 1860. There is the description I have been speaking of, which is 16 Victoria, Chapter 152 and 18 Victoria Chapter 76, s. 1. c.s. Revised Statutes of Lower Canada, 1860, chap. 75, section 12.

There are also the Revised Statutes of Upper Canada of the same time.

Mr. CLARK: In these redistributions was an attempt made to equalize the population pretty well?

The WITNESS: It is a matter that can be checked up very easily for the returns of population in the Year Book. At the time of confederation there were more constituencies in the province of Quebec; there were sixty-eight; and then they struck off three in order to bring the number to 65, and three were added to other existing constituencies.

Mr. CLARK: They have not attempted to retain the population at practically the same level?

The WITNESS: No. The basis of the population for each constituency is not at all the same. There is no proportion now, and to my way of thinking it is incredible. I would ask hon. members to look at the last redistribution. For instance, the county of Levis was supposed to be an urban constituency on account of containing the cities of Levis and Lauzon, and it has been made very small. Many rural parishes have been removed from the old constituency, which is unexplainable.

Mr. HEAPS: What is the population of Lévis now?

The WITNESS: The population was 35,656 before the redistribution, and after it was 28,548. It is ridiculous. I understand that the constituency was half rural and half urban before that.

Mr. CLARK: That would be much below the average.

The WITNESS: Yes, I know. There can be no explanation for that. There are a great many instances of that kind. To realize the absurdity of the last redistribution one would only have to look at the population in each constituency before and after redistribution. That can be easily done.

The CHAIRMAN: You admit, Mr. Pouliot, that we have still to carry out the provisions of the British North America Act whereby Quebec is divided according to population, and the unit fixed there is the basis of representation throughout Canada?

The WITNESS: Mr. Chairman, it is far beyond what I expected to say, because I have not studied it from that angle.

The CHAIRMAN: What I was getting at was this: are you suggesting in your evidence that we should amend the British North America Act to give a different basis of representation?

The WITNESS: No. I was not proceeding on those lines. What I complain of is what has been done in some cases since confederation.

Mr. HEAPS: Do you think there should be an equitable distribution of constituencies according to population with a priviso that, perhaps, it might be considered advisable to have urban centres slightly larger than rural centres?

The WITNESS: It is done in practice.

Mr. HEAPS: For instance, you have shown us a constituency with a population of 28,000; then we go to Montreal and we find some with populations of 100,000 nearly.

The WITNESS: Yes. It will be for the committee to decide and make a report to the house.

Mr. HEAPS: Do you feel that it should be done?

The WITNESS: That is not what I mean. What I mean is that facilities to meet are much better in cities than they are in the country, and that must be taken into consideration when urban constituencies are divided. Therefore, a constituency in a city can be more populous than a country constituency because people can meet more easily.

Mr. HEAPS: Why should a vote in the country be more valuable than in the city.

The WITNESS: I would not go so far as to say that. I am not prepared to answer anything like that. It is completely beyond what I intended to tell you.

Mr. HEAPS: I am sorry. I did not want to take you off your line of thought.

The WITNESS: No. This is for the future. I am speaking now only of the past. How can we make the experience of the past useful for the future? My idea is that there should be maps made after a survey of redistributions in the past.

The CHAIRMAN: Do I understand that you would like to see a map prepared of what has happened of each redistribution since 1867, and then to find out the reasons why those changes were made, if there were any?

The WITNESS: If it were possible, it would be the ideal thing. Then the committee could use its judgment to decide upon the best thing to do.

The CHAIRMAN: To go one step further in order to get this clear in my mind, you want to follow the original boundary lines as nearly as possible?

The WITNESS: As nearly as possible when there is no particular objection to doing so; because at the time there was no difficulty about it, and it seemed to me to be good. Some of the boundaries have not been changed for eighty years although the population has increased. Of course, an increased population in every part of Canada must be taken into consideration. However, the main reason why I have come before you is to tell the committee that the country people suffer very much when they are taken from one constituency and put into another. The situation is not at all parallel to that of a city where on one side of the street you find one constituency and on the other side you find another. In the country the people have to go to the chief town, and they are accustomed to going there and their business is done there. They go to see the member of that constituency, and a great disturbance is caused when all their traditions are interfered with. Not only that, but each of these constituencies is a unit. I say that what was good enough for Sir John A. Macdonald and Sir Wilfred Laurier should be good enough for us, particularly, when there is no reason for the change.

The CHAIRMAN: Judging from the size of your book, Mr. Pouliot, you have made a real study of this subject. Would it be fair to put on the record the fact that these studies which you have made are available to any commission or committee which might be charged with the duty of making a redistribution?

The WITNESS: I thank you, Mr. Chairman, very much for your remark, but the book is already the property of the House of Commons, and I shall leave it with you. I gave my work to the house some days ago, and it is now in the possession of the Clerk of the House. This book has been bound by the Printing Bureau.

Not only that, but if the committee decides to have this work done by Mr. Butcher during the recess I shall be very pleased to do anything in my power to assist him.

To summarize my remarks, my idea would be to have a map for each constituency showing in different columns the changes made by each redistribution. In many cases, it would only amount to a small line. Mr. Castonguay knows about it. It would amount sometimes to just one, two or three lines. In

other cases it would be more complicated. It should be done by sections containing four or five constituencies taken together in order to reduce the number of maps and to save time while studying them. A map of the province would be too large, and it would be impossible to annotate an ordinary map of the province, but the idea could be carried out if sections were employed. Do you not think it could be done, Mr. Castonguay?

Mr. CASTONGUAY: A map of the whole province would be on too high a scale to incorporate everything.

The WITNESS: But it could be done by sections containing four, five or six constituencies.

Mr. GLEN: How are you going to make your distribution—geographically or by population? I can understand having a map showing all the sections geographically within a certain area. Is that the idea you have in your mind? Do you want to have it geographical, by population or by both?

The WITNESS: I am not ready to give a definite answer to your question, but I can explain to you, Mr. Glen, that in the past when there were gerrymanders, and when the majority of a member in a county which they wanted to divide was, fifty-three, for instance, or one hundred, they took away a majority of two or three hundred votes in that constituency. It was all wrong, because that man was often elected by a much larger majority despite the cut that was made. It is an experiment and, therefore, it is a waste of time for the committee to press it on those lines. You might discuss what you have to do after having read the information you would get from Mr. Butcher and Mr. Castonguay—you might discuss your procedure then and decide for yourselves. If the committee decides to have Mr. Butcher do this work during the recess, I shall be very glad to do all I can to assist him.

The CHAIRMAN: Thank you, Mr. Pouliot. We will hear Mr. Butcher now.

Mr. HEAPS: I have no doubt that this committee will sit next year and will probably consider the whole question of redistribution. Could Mr. Pouliot not give us some help?

The WITNESS: I thank you, and I shall be pleased; but I would ask you to tell me ahead what information you would require from me, and I shall endeavour to be informed on the matter. I thank you, Mr. Chairman, and gentlemen, for giving me so fine a hearing.

The Witness retired.

The CHAIRMAN: Now, gentlemen, Mr. Butcher has prepared quite a volume of material, and we will ask him to present it to us.

Harry Butcher, recalled.

The WITNESS: Mr. Chairman, as all the members of the committee are very familiar with the methods employed in effecting redistribution in Canada, I do not propose to make any extended reference to those methods. Reference has already been made this morning to the fact that the quota for Dominion constituencies for the whole of Canada is obtained by dividing the population of the province of Quebec by sixty-five, the number of representatives to which the province is entitled. In so far as the provinces of Nova Scotia, New Brunswick and Prince Edward Island are concerned, the constitution provides that they shall never have few members than they have senators. At the present time and under the existing law Nova Scotia is entitled to ten senators and the number of her members cannot be less than ten; New Brunswick has ten senators and cannot have less than ten members; and Prince Edward Island has four senators and cannot have less than four members.

Mr. MacNicol: Is that a provision of the British North America Act?

The Witness: Yes. It is therein provided that these provinces shall not have fewer members than they have senators, and the minimum number of senators is fixed.

Mr. Heaps: I think we might consider a revision of the British North America Act when we think that Prince Edward Island with a population not much larger than my own constituency is represented by four senators and four members.

The Chairman: Just to keep the record straight, that provision to which Mr. Butcher has referred is not in the original British North America Act, as I understand, but is in one of the amendments that have been passed to the British North America Act since 1867.

Mr. MacNicol: It was passed at a comparatively recent time when it was ascertained that Prince Edward Island would probably have two members to the House of Commons instead of four.

The Chairman: I wanted to have the record straight.

The Witness: Within the provinces of the Dominion of Canada redistribution is on a population basis, the agency of distribution being the legislature. In each case the subject of redistribution is referred to a committee, and the committee brings in a report to the legislature. There is, however, a slight exception in the case of Nova Scotia where, I understand, the quota is 20,000, but in the rural constituencies having a population of 25,000 those constituencies are entitled to two members.

Mr. MacNicol: You are now speaking of provincial legislation?

The Witness: Yes, provincial only. In presenting the material I have prepared I shall first deal with the situation in Great Britain in which country a commission was appointed in 1918 to effect a redistribution. That commission consisted of outstanding men and was composed of five persons assisted by eleven assistant commissioners. At the moment I shall not say more with respect to the system employed in Great Britain, but will refer to it again later. In Australia a commission is appointed to effect a redistribution on a population basis, and the same in New Zealand; and in both cases the commissions report to their respective parliaments. In Australia the report of the commission is subject to amendment by direction of either house of parliament.

Mr. Heaps: Is the report submitted to a committee of parliament?

The Witness: No. It is submitted to parliament—to both houses of parliament—and it must be approved by both. If it is not approved then the matter is referred again to the commission.

Mr. Heaps: May I ask if when a report of that kind is submitted to parliament, whether parliament itself deals with it or refers it to a committee?

The Witness: Parliament itself deals with the report.

Mr. MacNicol: I have made a very exhaustive inquiry not only into the cases you have mentioned, Mr. Butcher, but also in the states of the American union, and I have strong ideas as to what we should do in Canada. My experience with reference to Canadian redistributions is that if fixed and beforehand-determined reasons were established on which to determine the boundary of ridings we would have no trouble in Canada; but it is outrageous what each party does when it is in power in certain provinces. One party is no more to blame than another. They cross county boundaries and municipal boundaries which should be prohibited, not so much in the case of county boundaries, but certainly in the case of municipal boundaries. No municipal boundary should be broken.

The Witness: Mr. MacNicol has referred to the situation in the United States. I have made a fairly extended study of the situation over there, and I shall deal with it as I go on.

Mr. MacNicol: They do not cross municipal boundaries over there.

The Witness: I was going to say that in New Zealand when the commission reports that is final. They submit their report to parliament, and parliament does not in any way question it. It becomes law the moment the commission reports.

Mr. Heaps: Are there many fixed rules on which that commission works?

The Witness: Yes, I shall refer to those rules later.

Mr. MacNicol: Personally, I am opposed to commissions. I am satisfied that if rules were established that had to be followed and that if parliamentary committees were compelled to adhere to those rules in the allocating of ridings we would not have any trouble in this country. Moreover, I think it will be found that commissions have made just as glaring errors as committees of parliament.

The Witness: I shall later give some illustrations in support of what Mr MacNicol has said.

The following methods are used to effect a redistribution of electoral districts in Great Britain, Australia, New Zealand and in the United States of America:—

GREAT BRITAIN

In Great Britain there is no periodic redistribution of constituencies. There was none between 1885 and 1918, and there has been none since the latter date.

In 1917 a Redistribution Commission was set up, composed of five men of well known integrity and independence., They were:—

The Rt. Hon. James William Lowther, M.P., Chairman.

Sir Samuel Butler Provis, K.C.B., a Barrister.

Sir Thomas Henry Elliot, K.C.B., then Chairman of the Air Compensation Board.

Col. Charles Frederick Close, R.E., C.B., C.M.G., Director of Ordnance Survey.

Walter Tupper Jerred, Esq., C.B., Secretary.

Assistant Commissioners were also appointed consisting of:—

3 Members of the Institute of Civil Engineers,

4 Barristers-at-law, and

4 Other gentlemen.

The instructions to the Boundary Commissioners were as follows:—

1. The number of members of the House of Commons for Great Britain shall remain substantially as present.
2. A county or borough (other than the City of London) with a population of less than 50,000 shall cease to have separate representation.
3. A county or borough with a population of 50,000, but less than 70,000, shall continue to have separate representation.
4. A municipal borough or urban district with a population not less than 70,000 shall become a separate parliamentary borough.
5. A county or borough at present returning two members shall not lose a member if not less than 120,000.
6. A member shall be given for 70,000 and for every multiple of 70,000, and an additional member for any remainder which is not less than 50,000.
7. The boundaries of parliamentary constituencies shall, as far as practicable, coincide with the boundaries of administrative areas.

8. The City of London shall continue as at present to return two members.

9, 10 and 11 referred to certain constituencies, if Proportional Representation should be adopted, but as it was not, these paragraphs ceased to be operative.

12. Counties entitled to return two or more members shall be divided, and in the formation of each division the Commissioners should endeavour, after ascertaining local opinion, to segregate as far as possible adjacent industrial and rural areas.

13. Where a borough loses its right to separate representation in parliament, the Commissioners may, after having ascertained local opinion on the subject, combine such borough with any other such borough or boroughs lying within the county, or with any other borough in the same county having separate representation, instead of merging it in the adjacent county division.

14. Where an ancient parliamentary borough loses its representation, the county division in which the borough becomes merged shall be named after the merged borough.

The following further instructions were given to the Committee under date June 22nd, 1917—

> Provided that the Commissioners may depart from the strict application of these instructions in any case where it would result in the formation of constituencies inconvenient in size or character, or where the narrowness of margin between the figure representing the estimated population of any area and the figure required for any of the purposes of these instructions seem to them to justify such a departure.
>
> Provided also that it be an instruction to the Boundary Commissioners to have regard to electorate rather than population: where it appears that the proportion of electorate to population is abnormal.

One hundred and twenty inquires were held, relating to 465 constituencies, all were numerously attended and great interest was shown by the public.

Statements of objections and proposals, as requested, in public advertisements, were either handed in to the Commissioners in writing, or were presented orally.

The Commissioners state that this expression of local opinion was found very helpful.

Urban and rural districts, as constituted for local government purposes, were chosen as the unit in connection with the formation of parliamentary divisions, and only in 78 instances, out of 662 rural districts, was it necessary to divide them.

The Commission was dated May 14th, 1917, and the Commissioners reported September 27th, 1917.

The recommendations of the Commission were embodied in a bill, placed before Parliament, and passed with no substantial changes, in the year 1918.

Australia

Each State returns the number of members of the House of Representatives to which it is entitled on a population basis, but subject to the provision that each original state shall be entitled to be represented by five members. Under this provision Tasmania returns five members, although on a population basis this State would be entitled only to two members.

The representation of each State is determined after each decennial census, and at an intermediate intercensal period five years thereafter, is the following manner, viz:—the total population of the Commonwealth is divided by seventy-two (twice the number of Senators), the resultant quota is divided into the

population of each State, and the quotient represents the number of members to which the State is entitled. A remainder in excess of fifty per cent of the quota entitles the State to one additional member, but a remainder less than fifty per cent is not taken into consideration.

For the purpose of distribution of the State into electoral divisions, the Governor General may appoint three Distributional Commissioners, one of whom shall be the Chief Electoral Officer, or an officer having similar qualifications; another, the Surveyor General of the State, or an officer having similar qualifications. The Chairman to be named by the Governor General.

The Chief Electoral Officer shall, whenever necessary, ascertain a quota for each State as follows:—

> The whole number of electors in each State as nearly as can be ascertained, shall be divided by the number of members of the House of Representatives to be chosen for the State.

In making a distribution the Commissioners are instructed to give consideration to:—

(*a*) Community or diversity of interest;

(*b*) Means of Communication;

(*c*) Physical features;

(*d*) Existing boundaries of divisions and subdivisions;

(*e*) State electoral boundaries.

The Distribution Commissioners may adopt a margin of allowances not exceeding twenty per cent more or less than the quota.

The Commissioners are instructed to exhibit a map and descriptions of the boundaries of each proposed division at post offices therein and to advertise such descriptions in the official Gazette.

Objections or suggestions in writing may be lodged with the Commissioners at any time during the thirty days following advertisement in the Gazette.

After the thirty days mentioned the Commissioners are required to forward to the Minister their report upon the distribution of the State into divisions; the report to contain the number of electors residing in each proposed division, and a map signed by the Commissioners showing the boundaries of each proposed division.

The Minister is required to lay the report and the map before both Houses of Parliament within seven days of receipt of same or, if Parliament is not then sitting, within seven days of the next meeting of Parliament.

It is provided that if both Houses of Parliament pass a resolution approving the distribution, proclamation shall be issued declaring the names and boundaries of the divisions.

If, on the other hand, either House of Parliament passes a resolution disapproving of the proposed distribution the Minister may direct the Distribution Commissioners to reconsider the matter and to propose another distribution.

A redistribution of the State into divisions must be made:—

(*a*) When an alteration is made in the number of members of the House of Representatives to be elected for the State.

(*b*) Whenever in one-fourth of the Divisions of the State the number of electors differs from the quota by 20 per cent more or less.

(*c*) At such other times as the Governor General may direct.

The Commissioners were last instructed on December 15, 1933, as they reported on May 22, 1934.

The next previous redistribution was in 1922.

The cost of redistribution in 1934 was about five thousand pounds.

[Mr. Harry Butcher.]

The effect of the provision that the Distribution Commissioners may adopt a margin of allowance not exceeding twenty per cent more or less than the quota is illustrated in the following calculations based on 1929 Electoral Roll:—

NEW SOUTH WALES

Electors enrolled	1,387,552
28 Electoral Divisions Quota	49,555

An Electoral Division may have between 39,644 and 59,466 Electors.

Actual highest	72,717
Actual lowest	35,553

VICTORIA

Electors enrolled	1,023,294
20 Electoral Divisions Quota	51,165

Electoral Divisions may have between 40,932 and 61,398 Electors.

Actual highest	77,700
Actual lowest	40,060

NEW ZEALAND

In order to provide for periodical readjustment of representation in the Dominion of New Zealand, two Commissions are set up, one for each Island; one of these Commissions is called the North Island Representation Commission and the other the South Island Representation Commission.

Each Commission is composed of five members. That of the North Island consists of the Surveyor General, two Commissioners of Crown Lands (named by their title of office) and two members, not being members of the Public Service or members of the General Assembly, as the House of Representatives nominates from time to time. One of the five is a permanent Commissioner. The South Island Representation Commission consists of three members of Crown Lands (named by their title of office) and two members nominated by the House of Representatives (they may not be members of the Public Service or of the General Assembly). One of the latter members is a permanent Commissioner.

It is the duty of the Government Statistician to take a periodical census and thereafter the Commissions are called upon to divide the Dominion into electoral districts on the following basis:—

(*a*) In computing the population of New Zealand for the purpose of the Act 28 per cent shall be added to the rural population.

(*b*) The total population of the Dominion (other than Maoris) with the addition aforesaid shall be divided by the number of members to be elected (other than the four Maori members) and the quotient thus obtained shall be the quota for each electoral district.

There shall be a separate district for each member, the population to be equal to the quota, but the Commission may, in rural constituencies only if considered necessary, depart from the quota to the extent of 1,250 either way.

In forming the several districts the Commissioners are instructed to give due consideration to:—

(*a*) present boundaries of electoral districts,

(*b*) community of interest,

(*c*) facilities of communication,

(*d*) topographical features.

38550—25

The Commissions are instructed to sit as a Joint Commission for the fixing of the number of divisions for the North Island and South Island respectively, but shall act separately in all other matters within their jurisdiction.

It is provided that due notice of proposal to alter an existing district, or existing districts, shall be given in the official Gazette; objections and suggestions in writing thereto may be lodged by any elector or electors.

The Commissions are instructed in every case to report the names and boundaries of the electoral districts fixed by them, to the Governor General, who shall proclaim the same in the official Gazette; such proclamation to have the same force and effect as if it were the result of legislation by Parliament, but the terms thereof do not come into effect until the expiry of the then existing Parliament.

The Governor General is required within ten days of the receipt thereof to submit the Report of the Commission together with an authenticated map, to the House of Representatives, if sitting; if not sitting then the Report must be presented within a limited time after the assembling of Parliament.

The electoral districts thus fixed by the Commission are to be the electoral districts for the purpose of election after the dissolution of the then existing Parliament and shall so continue until the next succeeding Report of the Commission takes effect, or until Parliament otherwise enacts.

Attention has been drawn to the following provision of the law relating to redistribution:—

> In computing the population of New Zealand, for the purpose of the Act, there shall be added 28 per cent to the rural population.

The effect of this provision in 1926 was as follows:—

Population in 1926—

1. 551,457 rural (not including Maoris)
   785,040 urban

   1,336,497

   Seventy-six members (excluding 4 Maori members) to be elected.
   Without the provisions of the above section—
   the quota: 17,585
   and Urban districts would have 45 members
   Rural districts would have 31 members

   76

2. Under the provisions of sec. 7 (a), 28 per cent will be added to rural population, with following results:—

   705,857 rural
   785,040 urban

   1,490,897 Quota: 19,617

   Urban districts now have.. .. .. 40 members
   Rural districts have.. .. .. 36 members

   76

Representation in the Senate and Congress of the United States of America

The number of representatives to which each state is entitled is determined by the decennial census. By the Apportionment Act, following the census of 1910, the number of representatives was 433, one for every 210,415 inhabitants. In 1930 the quota was approximately the same, but change in the representation of 36 out of 48 states was necessary owing to shifts of population.

The President, in a message to Congress at the first session after the census is taken, announces the number of senators and representatives to which each state is entitled but, as there is no federal election machinery, it becomes the duty of the individual states to reapportion constituencies and to elect representatives.

Federal law requires that representatives shall be elected for districts composed of a contiguous and compact territory, and containing as nearly as practicable an equal number of inhabitants, with one member to a district.

When a state is entitled to additional representatives under a new apportionment, those additional representatives may be elected as members at large until a reapportionment is made.

REDISTRIBUTION IN THE U.S.A.

IN THE INDIVIDUAL STATES

Redistribution is effected:—

(*a*) by the legislature.

(*b*) on a strictly or a modified population basis.

(*c*) at the first session after a state or a federal census is taken:

in the undermentioned states:—

Alabama
Arkansas
Colorado
Connecticut
Florida
Georgia
Idaho
Illinois
Iowa
Kansas
Kentucky
Maine
Michigan
Minnesota
Mississippi
Missouri
Montana
Nebraska
Nevada
New Jersey
New Mexico
New York
North Carolina
North Dakota
Oklahoma
Oregon
Pennsylvania
Rhode Island
South Carolina
South Dakota
Tennessee
Texas
Utah
Vermont
Virginia
Washington
West Virginia
Wisconsin
Wyoming.

Modified population basis means excluding either or all:—

Indians not taxed.
Aliens.
Soldiers and officers in the United States Army and Navy.

States in Which the Legislature does not Redistribute, or in Which the Basis of Representation is Unusal

Arizona

The agency for reapportionment is "The Board of Supervisors of each County."

The Board of Supervisors to give public notice of their intention to reapportion.

And to reapportion not less than six months prior to each regular election for representatives.

California

The legislature to reapportion after each decennial census—but if the legislature fails to do so, the Reapportionment Commission to reapportion.

The Reapportionment Commission consists of:—

The Lieutenant Governor,
The Attorney General,
The Surveyor General,
The Secretary of State, and
The Superintendent of Public Instruction.

Delaware

Reapportionment only by an amendment to the Constitution.

Indiana

The basis of representation is—

"Male inhabitants above 21 years of age."

The agency of reapportionment—The General Assembly.

Ohio

The Governor, Auditor and Secretary of State reapportion first session after Federal census.

Oregon

The basis of Representation:—

"The white population—apportioned every five years.

The agency—the legislature.

Massachusetts

The basis of representation for House of Representatives.

"Legal voters."

The agency, The General Court.

New Hampshire

24 Senators—basis of direct taxes paid.

House of Representatives, 419 members—population basis.

The agency, The legislature.

Maryland

The agency, The General Assembly.

The basis: Every county with less than 18,000 population—2 Representatives (called Delegates).

County from	18,000 to 28,000	3 Delegates
"	28,000 to 40,000	4 "
"	40,000 to 55,000	5 "
"	55,000 and upwards	6 "

(Baltimore entitled to the same number of delegates as the largest county under the above opportionment).

[Mr. Harry Butcher.]

STATE OF OKLAHOMA

Legislature consists of a Senate and a House of Representatives.

The basis of representation:—(House of Representatives)—The whole population of the State, as ascertained by the latest Federal census, is divided by 100 and the quotient is the ratio of representation for the following ten year period.

Every county with a population equal to one-half of the ratio is entitled to one representative; every county with a population equal to $1\frac{3}{4}$ of the ratio is entitled to two, and an additional representative for each ratio, but no county may have more than seven.

Any county having a fraction above the ratio which when multiplied by five equals one or more ratios, is entitled to send additional representatives to part of the sessions during the decennial period: if the result of such multiplication is two ratios, the county may send representatives to the fourth and third sessions respectively; if three ratios, to the third, second and first respectively; if four ratios, to the fourth, third, second and first respectively.

No county may be divided in forming a district except to make two or more wholly within one county.

The Legislature apportions after each Federal decennial census.

CONNECTICUT

The legislative power of the State is vested in two branches, the Senate and the House of Representatives, together known as the General Assembly. The Senate consists of thirty-five members and the House of Representatives of 267 members.

Each town having a population of five thousand, is entitled to two representatives, and every other town is entitled to the number of members to which they were entitled at the time of the adoption of the Constitution. A new town that has reached a population of 2,500 is entitled to one representative.

The Constitution directs the General Assembly to divide the State into electoral districts to be composed of contiguous territory and with population as nearly equal as possible.

The State of Connecticut is at the present time entitled to one representative known as a " representative at large " who may be voted for by all the electors of the State.

DELAWARE

The Legislature consists of a Senate and a House of Representatives.

The House of Representatives consists of 35 members and the Senate of 17 members.

There is no provision for reapportionment of the membership in either House. The original apportionment is perpetuated by the Constitution and, therefore, cannot be changed without a Constitutional amendment.

ILLINOIS

Under the Constitution of the State of Illinois the legislative power is vested in a General Assembly consisting of a Senate and a House of Representatives, both elective.

The General Assembly is under an obligation to apportion the State every ten years by dividing the population of the State as ascertained by the Federal census by the number fifty-one, and the quotient is the ratio of representation. It is required that electoral districts shall be formed of contiguous and compact territory bounded by county lines and containing as nearly as practicable an equal number of representatives, but no district shall contain less than four-fifths of the ratio.

Notwithstanding the provisions of the law in this respect, I am advised by the Secretary of State of Illinois that that State has not had a reapportionment of Congressional and Senatorial districts in thirty-six years. He states that in recent years the members of the General Assembly had been unable to agree upon a plan sufficiently satisfactory to be approved by the required number of votes.

Indiana

The Legislature of Indiana consists of a Senate and a House of Representatives. The Senate has a Constitutional maximum of 50 members and the House of Representatives a maximum of 100 members.

The General Assembly at its second session after the adoption of the Constitution caused an enumeration to be made of all the *male* inhabitants over the age of 21 years, and the Constitution provides that this enumeration shall be repeated every sixth year.

At the session first following such enumeration the Senators and Representatives are apportioned among the several counties according to the number of male inhabitants about twenty-one years of age in each.

Massachusetts

The Senate consists of forty members, one elected from each of forty Senatorial districts into which the State is divided. It is required that each district shall contain as nearly as possible an equal number of voters.

The House of Representatives consists of two hundred and forty members, also apportioned among the counties as nearly as possible according to their relative number of legal voters.

The Constitution requires that a State census containing a special enumeration of legal voters shall be taken every ten years, beginning with 1935. At the first legal Session thereafter the general Court is directed to apportion the representatives to the counties and to divide the State into Senatorial districts.

Missouri

Under the Constitution of the State of Missouri the legislature consists of a Senate and a House of Representatives, known as a General Assembly. The Senate consists of thirty-four members, each representing a district of approximately the same population. It is the rule that no county may be divided when a district is being formed and only adjacent counties may be included in one district.

The House of Representatives has one hundred and fifty members apportioned to the several counties in the following manner:—

> A ratio representation is obtained by dividing the whole number of inhabitants of the State by 200; each county having one ratio, or less, is entitled to one representative; each county having 2½ times the ratio is entitled to two representatives; each county having four ratios is entitled to three; each county having six ratios is entitled to four; and above that number one additional member for each additional 2½ ratios.

At the first Session after each Federal census or after a State census, if the Federal is not taken or is delayed, the General Assembly is required to apportion the Senators and Representatives according to the above rules.

Should the General Assembly fail or refuse to reapportion the State for Senators, it becomes the duty of the Governor, Secretary of State and Attorney General to apportion and, when the result of their members is proclaimed by the Governor, it has the effect of law.

[Mr. Harry Butcher.]

New York

Under the Constitution of the State of New York the Senate consists of fifty members, but it is provided that under certain circumstances the number may be increased and, as a result at the present time, New York has fifty-one Senators.

The Assembly consists of one hundred and fifty members and is apportioned among the several counties on the basis of population, excluding aliens and non-tax paying Indians. The apportionment is made according to the following rule:—

> A ratio of representation is obtained by dividing the total number of inhabitants, excluding aliens and Indians as aforesaid, by the number of members. Each county containing less than the ratio and one-half over is given one member; two members are apportioned to every other county, and the remaining members are apportioned to the counties having more than two members according to the number of inhabitants, excluding aliens, etc., as aforesaid, in the order of size of remainders.

Every ten years the Secretary of State is required to take an enumeration of the inhabitants of the State on the basis of this census. The legislature, at its first legal Session thereafter, reapportions the electoral districts according to the rule set forth in the Constitution. The apportionment made by the legislature, is subject to review by the Supreme Court, at the suit of any citizen, under such reasonable regulations as the legislature may prescribe.

Ohio

The Legislature consists of a Senate and a House of Representatives. The whole population of the State, as ascertained by the Federal census, shall be divided by the number of representatives, and the quotient shall be the ratio of representation.

The ratio for a Senator shall be ascertained by dividing the whole population of the State by the number 35.

Every county having a population equal to one-half of the ratio shall be entitled to one representative; every county containing $1\frac{3}{4}$ ratio shall be entitled to two representatives, and every county containing three times the ratio shall be entitled to three representatives. Each county shall have at least one representative.

When a county has a fraction above the ratio, so large that, being multiplied by five, the result will be equal to one or more ratios, additional Representatives shall be appointed for such ratios, among the several sessions of the decennial period, in the following manner; if there be only one ratio a Representative shall be allotted to the fifth session of the decennial period; if there are two ratios, a Representative shall be allotted to the fourth and third sessions, respectively; if three, to the third, second and first sessions; if four to the fourth, third, second and first sessions, respectively.

The Governor, Auditor and Secretary of State or any two of them to ascertain and determine the ratio of representation according to the decennial census and the Governor shall cause the result to be published in the manner directed by law.

Texas

The Legislature of the State of Texas consists of a Senate and a House of Representatives. The Senate must never exceed thirty-one in number. The House of Representatives is based upon the ratio of not more than one representative for every 15,000 inhabitants, but must never exceed 150 in number.

The duty of the Legislature, at its first session after publication of the Federal census returns, is to apportion the State into Senatorial and Representative districts.

It is provided, however, that when a single county has sufficient population to be entitled to a representative such county shall be a separate electoral district and, when two or more counties are required to make up the ratio of representation, such counties shall be contiguous to each other.

OREGON

The Legislative authority consists of a Senate and a House of Representatives. It is the duty of the Legislative Assembly, " in the year 1865 and every ten years thereafter," to cause an enumeration to be made of all the white population of the State.

The number and Senators and Representatives is fixed by law immediately after the Federal census and apportioned by the legislature among the several counties according to the number of the white population in each.

WASHINGTON

The Legislature of the State consists of a Senate and a House of Representatives.

The Constitution provides that the House of Representatives shall be composed of not less than sixty-three and not more than ninety-nine members.

It is the duty of the Legislature to apportion the members of the Senate and House of Representatives according to the number of inhabitants, excluding Indians not taxed, soldiers, sailors and officers of the United States Army and Navy in active service.

Mr. MACNICOL: Mr. Chairman, is this to be our last meeting?

The CHAIRMAN: No. Mr. Brunelle wants to speak to the committee, and we have to report on some other matters. When shall we meet again.

Mr. HEAPS: If it is agreeable to the members of the committee, could we not meet tomorrow morning?

The CHAIRMAN: No. Mr. Brunelle has been ill and will not be able to appear before the committee tomorrow. I suggest we adjourn until Monday morning.

The Committee adjourned to meet Monday, April 5, at 10 o'clock.

HOUSE OF COMMONS, Room 429, April 5, 1937.

The Special Committee on Elections and Franchise Acts met at 10 o'clock. Mr. Bothwell, the chairman, presided.

The CHAIRMAN: Gentlemen, at our last sitting we heard Mr. Pouliot and Mr. Butcher on redistribution. Mr. Brunelle had a resolution on the order paper of the house which was not referred to this committee, although the question of redistribution was referred to us to study and to make a report on the methods used to effect redistribution of the electoral districts in Canada. As you all know the matter of redistribution will not be disposed of at this session of parliament. In any event, it does not seem to be an urgent matter as there is no general election in sight at the moment. Mr. Brunelle is here this morning and he may wish to speak to the subject. He will have an opportunity, I presume, at the next session to lay before the committee anything that he may wish to bring up.

Mr. BRUNELLE: Mr. Chairman, I am sorry that I did not have the time to prepare in more definite terms what I have to say about redistribution. I am glad that the chairman states that the matter will not be disposed of this year. Probably next year I shall have more time to draft and give to the committee more particulars about what I have to say about redistribution, particularly in the province of Quebec. The last redistribution surely was unjust in many respects and in many constituencies. I have always understood, from the different principles laid down by Sir John A. Macdonald, for one, and Sir Wilfrid Laurier for another, that there were certain definite principles that had been more or less adopted and respected up to at least 1903. I gathered that impression from the very long discussion that took place at that time. I always thought the constituencies should be divided according to county boundaries for one thing and natural divisions of constituencies for another. I thought these two main principles were always followed. At the time of the last redistribution I do not think any attention was paid to that, at least in the province of Quebec. I would not undertake to discuss, and I shall not discuss what was done in the other provinces. At the last redistribution in my province no attention, apparently, was paid to anything except to what seems to be—I hope the committee will pardon me if I seem to be frank in my remarks—political expediency. Two or three members from the province of Quebec who spoke in the House of Commons when my resolution was being discussed in regard to redistribution showed maps and cuts of the general map showing the boundaries of the different constituencies. Those maps indicated that there were places where certain parishes or towns were taken out of one constituency and placed in another without regard to the ordinary lines of the constituency. They just took one spot and said, that will be in that constituency. I do not think there is any fair reason for that kind of a division. I know that in many places in the province of Quebec the constituencies cannot be as regular, at least as far as boundaries are concerned, as in the other provinces. It is an older province, and they have to follow certain special divisions. Yet at the last redistribution conditions were made very much worse.

I have no doubt that if in our study of the best way of redistributing our constituencies we lay down certain general rules, rules that should be fair to everyone, probably the next redistribution in my province will be much more satisfactory to all parties concerned.

The CHAIRMAN: That is just the point. That is the matter that is referred to us, not to make a redistribution, but to arrive at certain definite principles that should govern in the next redistribution. We hope to get suggestions from various members of the committee during the next session upon which we can base a finding and approve methods of making that redistribution.

Mr. BRUNELLE: Well, Mr. Chairman, I think that is all I have to say to-day because I did not have the time to get the real particulars and details as to what was done, which I think was not right, in my province. I hope that the committee will agree on certain principles, and I am sure that I will be the first, although I raised some very strong objections at the time I discussed this matter in the House of Commons, to agree to any rule or regulation that should be followed at the time we are making the next redistribution.

The CHAIRMAN: Has any other member anything to say? I have a draft report this morning which I should like to read to you if there is nothing else to be brought up.

Mr. MACNICOL: Would you like a word or two along the lines of the principles or not?

The CHAIRMAN: On redistribution?

Mr. MACNICOL: Yes.

The CHAIRMAN: We might have it now. The meeting is still open to consider this subject.

Mr. MACNICOL: Before commencing what I have to say, I want to compliment Mr. Brunelle on the broadness of his presentation. I have not any doubt that there were many things done in some ridings that should not have been done. Mr. Brunelle is quite right in arguing for principles that will prevent the like of that in the future. I will not for one moment say that there have not been violations of fair play before, because there have been. In many redistributions what was done, in my humble opinion was nothing short of unfair—not only in the last, but in the previous one. I highly endorse Mr. Brunelle's statement in regard to the advantage of broad principles.

I will be very brief. I strongly endorse the conception of following as nearly as we can county boundaries. I find in many of the States of the American Union, in which I made a personal investigation last summer, that they do not in any case cross a municipal boundary that is to split up a municipality. I have not been able to find in Ohio, Wisconsin, Illinois, New York, Pennsylvania or Massachusetts, all of which I surveyed, where any municipal boundary was crossed to divide a municipality between two ridings. That principle is not followed in Canada. In my humble opinion, that principle should be followed. We have many ridings in Canada where, in ridings adjacent to cities, if one party or other finds it advantageous to incorporate a portion of the city riding into a county riding or a portion of a county into a city to make a riding, it is done. I think that one principle we should enunciate is that, in the laying out of ridings municipal boundaries should not be crossed.

In the United States, in all of their main states, they start off with a congressional quota. In the case of the congressional quota, the quota is ordered at Washington. The congressional districts are laid out in the states but with the concurrence of Washington. As I look over the congressional districts for all the main states, I find that they very largely conform to the congressional quota of 281,000. But in arriving at their seats, to reach 281,000 or approximate it, they do not cross municipal boundaries. You can find congressional districts of, say, 312,000 in one, of 267,000 in another, but in no case are they very far away from the established quota of 281,000, which, of course, varies after every decennial census. But in Canada we do not adhere nearly as closely to our quota. In Canada our ridings run from as low as 18,000 to approxi-

mately 100,000. We have them close to 100,000, for instance, Nipissing. But it was unavoidable owing to our having to give two seats in the east where we should have reduced the number. I am convinced—we cannot consider the matter this morning—that this committee or some other committee should take some time in following up the suggestion made by Mr. Brunelle to establish principles. In the last general redistribution in Canada there were two seats left with double members; that is, each seat would return two members—Halifax, I believe, and Queens.

Mr. CASTONGUAY: Queens.

Mr. MACNICOL: A double member seat is something out of the far past. They were first commenced in 1265, I believe. In England they used to have a great number of double seats. At the moment there are only 12, and 3 different redistribution committees have passed recommendations abolishing those. For some reason or other they are very loath to move in the old country in connection with ancient traditions and they have not yet abolished them, but they likely will. In this new country we should establish the principle that there should be no double seats. It frequently means that a weak man is drawn in by a strong man or a poor man by a rich man.

Mr. ROBICHAUD: Hear, hear—and bothering the strong man.

Mr. MACNICOL: Yes. That is one principle we should establish. I believe we should establish the principle that municipal boundaries shall not be crossed. I qualify that to this extent, that there are cases where we would have to put two counties together. Furthermore, when I say municipal boundaries, I have more reference to the old provinces, because I am not familiar with how the West is laid out; but I presume they have townships out there, and if they have townships, the townships should not be cut in two. We will find all over Canada townships split down the middle or gerrymandered round about. I do not think gerrymandering helps anybody. If Quebec was gerrymandered in the last redistribution and was also gerrymandered in the previous redistribution, it did not help the government. The very fact that Quebec returned about 60 of the present government supporters shows clearly that if the intention of the last redistribution was to capture seats in Quebec it definitely failed. Personally, I am opposed to anything that will interfere with the just expression of the people's will.

Just one word further, because I see we have not time for it this morning. There are now three provinces—well, perhaps only one at the moment, Prince Edward Island, which does not elect members according to the quota. We have passed an act through the House of Commons amending the British North America Act so that Prince Edward Island could have the same number of members as it had senators; and that same would apply to the other maritime provinces. Whether that is going to continue or not is a problem which ought to be discussed. I must say this about the west, or the western provinces; they generally adhere to the quota more than any other part of Canada. That is, each western member more nearly represents the quota, as an average, than do members of the other provinces. In Ontario some of our seats—for instance, my good friend sitting next to me here represents, I guess, 65,000 or 70,000.

Mr. FACTOR: 63,000.

Mr. MACNICOL: 63,000, he says. You do not find anything like that in the western provinces. In spite of their having rows over their redistribution, they finally wind up with seeing to it that each member represents about the same or nearly the same number. Something will have to be established as to a quota.

At the last meeting Mr. Butcher said something in reference to Australia. I find that of all the places in the world that are governed more or less after

the same manner we are, outside of the United States, the State of Victoria perhaps has the best relationship of quotas. In the State of Victoria they elect a city member on a basis of 22 votes being equivalent to in a rural riding like, say Leeds—that is, a fairly populous rural riding, or Perth, or some such rural riding—15 votes and in very widely extended ridings, say like Cochrane to 10 votes. That is ratios of 22, 15 and 10. That does not seem unfair to me. I really think there ought to be a preference given to the rural voter over the city voter, because the city is congested. On the other hand, I do not think the system we are using to-day is at all fair, where we have a condition like where my good friend here represents 63,000 and the representative of Glengarry represents less than 19,000, is it not?

Mr. CASTONGUAY: Around 19,000.

Mr. MACNICOL: It is manifestly totally unfair that Trinity should have 63,000 and Glengarry—

Mr. FACTOR: Spadina.

Mr. MACNICOL: That Spadina, rather, should have 63,000 and Glengarry less than 19,000.

Mr. BRUNELLE: Both in city ridings?

Mr. MACNICOL: No. One is fairly well settled rural riding. The County of Glengarry is fairly well settled. There is no vacant land in it, but it is just a small riding. And then we have Welland with about—what is it, 90,000?

Mr. CASTONGUAY: Around 90,000.

Mr. MACNICOL: With one seat, with 90,000, and with two or three fine cities in it. So that there is something wrong there, Mr. Chairman.

As we cannot attend to this matter this morning, I would suggest that the committee be reappointed again next session and that you are again chairman. I take this opportunity of saying that you are unquestionably one of the best committee chairmen that the house has had.

Some Hon. MEMBERS: Hear, hear.

Mr. MACNICOL: You are eminently fair; you are most considerate and I have not at any time been able to find fault with you, so that is pretty good.

Mr. FACTOR: Hear, hear.

Mr. MACNICOL: Perhaps next session we can go into this and establish principles. I am heartily in accord with what Mr. Brunelle said about principles. There should be some sound principles that no house will permit the violation of; whereas at the moment we know now that whatever kind of general conception there is—not principles—they are grossly violated.

Mr. BRUNELLE: Yes.

Mr. MACNICOL: Which results in just the condition he has referred to. So that if it comes up next session, I certainly will be prepared to discuss it. There are some things that I take strong views on. I am opposed strongly to so-called university representation. It commenced in England, but they have abolished it everywhere now, I believe, except five university seats. I think 12 members.

Mr. MACNICOL: Yes; and three committees recommended the abolition of university seats.

Mr. BUTCHER: Yes.

Mr. MACNICOL: You will hear it said in our house—someone will get up and recommend university seats. I hope when your committee reports that it will report against the principle, and that we will not have university representation in this country.

With regard to principles, I believe, Mr. Chairman, that under your chairmanship this committee could present common principles that will result in the elimination of a lot of things Mr. Brunelle has complained about.

The CHAIRMAN: Is there anything else? As I stated the other day, I thought it was possibly advisable, owing to the mass of material that there is, to have drafted a report, with the assistance of Mr. Butcher, Mr. Castonguay and myself. It is not imperative at all that you should accept it or reject it this morning. If you wish further time to consider it, all well and good; we can have another meeting to dispose of it.

Discussion followed.

The Committee adjourned until Tuesday, April 6, at 10 a.m.

WITNESSES

Butcher, Mr. Harry, Counsel to the Committee.

Castonguay, Mr. Jules A., Chief Electoral Officer.

Neill, Mr. A. W., M.P.

Pouliot, Mr. J. F., M.P.

Reid, Mr. Thomas, M.P.

Thompson, Mr. J. T. C., Dominion Franchise Commissioner.

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