

Liberal Party

(F 203)

Two Dark Blots of Shame

The Conservative Franchise Act
of 1885

and

The War-Time Elections Act
of 1917

How Hon. Edward Blake Saved Australia from
Such Iniquities.

Sir John Thompson Promised to Adopt Pro-
vincial Franchises.

Principles of the Liberal Party to Remove In-
justices and Prevent Fraud.

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PRINCIPLES OF THE LIBERAL PARTY TO REMOVE INJUSTICES AND PREVENT FRAUD.

Every form of government seems to involve two political elements. The one calling for changes in existing institutions, for relief from the traditions of the past, for a freer citizenship in everything that the name implies—the other not unprogressive in every respect, but nevertheless disposed to resist advanced legislation, the enlargement of the privileges of the many or any recognition of citizenship which can be successfully resisted. These two political forces have been differently named in different countries, and sometimes have been differently named at different periods in the same country. The Whigs and the Tories of seventy years ago in Great Britain are the Liberals and Conservatives of to-day. But generally in all the Dominions of the Empire, as well as in the Empire itself, the two political parties are recognized by the terms Liberals and Conservatives, and these two terms measurably well represent the policy of the two parties.

In following out the history of the Liberal party in Canada, one is struck with the close analogy between the movements which it supported and by which it is divided from the Conservatives, and movements of a similar character, although on a larger scale, in the history of British politics. It may be that the interchange of opinion between Canada and the Empire had something to do with maintaining the uniformity of political cleavage on kindred

subjects, or it may be that the emigrant to Canada carried with him his British politics. At all events, it is some source of gratification for the Liberals of Canada to know that the great movements they inaugurated and to which they consecrated all their energies were movements similar in kind and principle to those which received the support of the great Liberal statesmen of England. When a Canadian on the floor of Parliament or on a public platform declares that no government should make religious opinions a test of citizenship, it might be gratifying to know that such views were entertained by Lord John Russell, John Bright, W. E. Gladstone and all the Liberal lights of the last century. Similarly, when a demand is made for greater freedom of trade, for the extension of the franchise, the protection of the elector at the ballot box, the sovereignty of the people in all matters pertaining to government, purity in the administration of public affairs, the personal integrity of the representatives of the people, these and kindred measures of vast importance to the state have been the watchwords of the Liberal party in Great Britain since the great revolution, and have occupied the thoughts of our ablest and purest statesmen, notably those representing the Liberal party. The historical perspective then of Canadian Liberalism is most satisfactory as well as instructive and would well repay fuller investigation.

The Liberal party first asserted itself in Upper Canada (now Ontario) by boldly protesting against the tyranny of the "Family Compact" and by demanding (1) the exclusion from political or partisan office of all appointees of the Government; (2) the entire control of all the revenues of the country; and (3) the responsibility of the executive, i.e., the Government, to the people's representatives in Parliament.

Since Confederation the Liberal party has advocated with great energy, and in some cases successfully the following measures:

(1) First, and always, the connection of Canada with the British Empire.
(2) The economical and honest expenditure of public moneys, the letting of all public contracts to the lowest tender, the erection of public buildings in the public interest and not in the interest of any locality.

(3) The strict observance of the terms of the federal compact. No "better terms" to one Province without the consent of all parties. No subsidies for any public purpose to one Province unless the work subsidized could fairly be said to be of interest to the whole Dominion. No attempt to encroach upon the rights of any Province.

(4) The extension of the franchise and the adoption of Provincial franchises for Dominion purposes, the preservation as far as possible of the political boundaries for the constituencies, for Provincial and Dominion purposes, the abolition of all Dominion offices connected with the revision of the voters' lists and the abolition of all gerrymandering henceforth and forever.

(5) The reduction of the tariff as far as the necessities of the revenue will permit with the complete elimination of every feature of the tariff of a distinctively protective character.

(6) The enlargement of the trade of Canada by means of treaties where treaties can be made that will not endanger the political integrity of the country. This includes the right conceded to Canada to make her own treaties, provided such treaties are not opposed to Imperial interest.

The conclusion of the whole matter briefly put is this: the Liberal party is a party of hope. It grows upon the decay of the principles opposed to it;

its leaves have always the freshness of Spring about them. It appeals to the hearts and consciences of the people for support; it seeks office only to advance the public interests; it levies taxes only for the interest of the taxpayer; it asks for new legislation only that constitutional government may be strengthened and the rights of citizenship enlarged. There is no better way of fulfilling one's whole duty to the country than to be guided, moved and governed by Liberal motives and principles.

BENEFITS OF DISCUSSION.

One of the speakers of the Anti-Corn-Law League in Great Britain thus described what by some would be considered the most important of all the lessons to be deducted from the agitation: "When men shall inquire in what way they may overthrow some hoary abuse, protected by power, surrounded and defended by wealth rank and corruption—when they would learn whether they may venture to hope that, by exertion, toil and sacrifice, they can bring such an abuse to the ground—they shall turn to the pages which shall record the history of the Anti-Corn-Law League; they shall therein learn that voluntary association will work greater miracles than the hands of them who reared the Pyramids; that bloodless revolution may be brought about by the agitation of men's minds; that there are weapons that cannot be struck down in the warfare; that there is a power which though impalpable and invisible, is yet universal and irresistible and will outlive Ministers and Governments and States, and rule the world when man is man indeed."

John Bright, the great British Orator, gave the people the following advice: "Keep to reason, to the sense of justice, and the consciences of men, appeal to this great, and in the long run, unerring tribunal, and then your great and good cause is everything. Every blow you give tells; every speech you make, every article you print and every fact you bring forward, is a blow which your opponents can neither parry nor return, and thus you go on conquering and to conquer and nothing can prevent it."

WHEN PROVINCIAL LISTS WERE FIRST TAMPERED WITH.

After Nine Years of Discussion and Objections Sir John Thomson Promised Redress.

In 1885 the Conservative Government of the day passed the Dominion Franchise Act, but it was not passed without the Liberals in the House of Commons fighting a most determined fight. It was the first time in the history of Canada that the Federal Parliament interfered with the Voters Lists of the Provinces, and it is not to be wondered at that the Liberals voted to retain the Provincial system. Under the Act of 1885 the lists were really prepared by revising Barristers appointed by the Government of the day. These Barristers were not subject to any person or to any authority over them. They could do as they liked. This was such an injustice that some amendments were made to the Act. It, however, continued to be bad, and so bad that even Conservatives as well as Liberals, moved for its repeal. The late Henry Cargill, Conservative M.P. for South Bruce, moved for its repeal on two occasions, but it was not repealed until 1898, when the Liberals were in power.

It was the distinctly stated intention of Sir John Thompson, Conservative, who became Prime Minister of Canada in 1892, to repeal the most objectionable part of the Act of 1885 before the elections of 1896. He introduced a Bill along these lines in the session of 1894 but he died before the next session. His Bill was to amend the Franchise Act by adopting the essential features of the Provincial franchise and lists. The criticism of the Liberals and of some of the Conservatives had its influence on Sir John.

In his speech on June 14th, 1894, in the House of Commons when introducing the Bill Sir John Thompson said: as reported in the Hansard page 4301. "The questions upon which so much difference has arisen in the past as to the basis of the Franchise, shall be adjusted by adopting the franchise of the several provinces. . . . The number of differences which exist between the provincial franchises and the Dominion franchise as established by our own Act, are so few as not to be worth the contest and the expenses which are involved in keeping them up, and the adoption of a general system which will apply both to the Local and Dominion Legislatures, has recommendations as regards simplicity and facilities for economy, which cannot exist under a dual system such as we have been keeping up for the past few years. It is obviously one of the most desirable features in connection with any system of franchise, and to my mind an essential feature, that the system to be adopted will be such that it can be put into operation every year."

This was not taking the complete step that was taken by the Liberals in 1898 but it showed the benefit of agitation discussion and debate. It showed that Sir John Thompson was sick of the Act.

WILFRID LAURIER'S HOPES AND SIR JOHN THOMPSON'S PROMISES.

On the same day, June 14th, 1894, Wilfrid Laurier, as reported in Hansard, pages 4303 and 04, said:— "We contended in 1885, and have contended ever since, that the true basis and the only basis of obtaining the suffrages of the people in every province was by the provincial franchise.

"We have always maintained that the proper authority to determine the franchise in any province was the local authority and not the federal authority. This principle is conceded at last, and so far the Bill is very satisfactory. . . . But there is a feature of the Bill in regard to article I cannot congratulate the hon. gentleman and upon which he has made no surrender whatever. The hon. gentleman does not surrender but maintains what is perhaps the most evil feature of the Act to-day, namely the revision of the lists by a revising officer

"It has taken six or seven years to change the hon. gentleman's mind—not to call it a surrender—on the question of the adoption of the provincial lists, and I hope during the time between the first and second readings of the Bill the hon. gentleman may change his mind also as regards the revising officers."

Sir John Thompson evidently took into consideration the remarks of Wilfrid Laurier and if Sir John had lived another year the revising officer feature of the law would probably have been struck out. In any event the franchise and revising barrister features were left over for the next year.

The Bill as first introduced was amended for other purposes as set out on pages 6523 and 4 of the Hansard of June 21st, 1894, by Sir John Thompson who said:—"But for various reasons, which I need not detail now, the conclusion was come to which I announced to the House a few days ago, that all the provisions of the Bill for changes in the franchise system would be deferred until next year, when I hope to present it again for adoption in this House."

Mr. Laurier:—"Is the hon. gentleman sure it will be introduced next year?"

Sir John Thompson:—"Of course."

In less than six months Sir John was dead and the Manitoba School issue took most of the time of Parliament in the sessions of 1895 and 6.

AUSTRALIA BENEFITED BY CANADA'S SHAME

Honorable Edward Blake Loathed Iniquity and Fought Against Injustice.

Honorable Edward Blake provided that Australia would not have a Franchise Act like unto Canada's Acts of 1885 and 1917.

In 1900 the Imperial Parliament passed the Commonwealth of Australia Act which is to Australia its constitution just as the British North America Act is the Constitution of Canada. The Provinces in Australia are called States, and the Commonwealth and the several states have a House of Representatives, (the more numerous houses) and, a Senate just as Canada has a House of Commons and a Senate.

The Franchise used in the Commonwealth elections is the franchise of the several States, but in this the Constitution of Australia differs from that of Canada in that the Commonwealth cannot prevent any person qualified to vote under State law from voting. This is clearly set forth in Article 41 of the Australian Constitution which 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."

There can be no such Act as the War-Time Elections Act of Canada passed by the Australian Commonwealth for every person who is entitled to vote by State law is entitled to vote in the Federal election. By section 31, the Parliament of the Commonwealth may subject of course to Section 41 determine the qualification of electors. This gives power to enlarge the qualifications but not to restrict. It might so happen that a State Parliament might pass an iniquitous act and the Parliament of the Commonwealth for its own elections could enlarge the Franchise in such a case and remedy the injustice in the larger sphere. When Australia was granted its constitution in 1900 the Imperial Parliament had before it the Canadian Dominion Franchise law passed by the Conservatives in 1885 which disregarded the Provincial lists used up to that time in Federal elections and provided for the preparation of Federal lists by revising Barristers and they also had before them the repeal of the same in 1898 by Parliament under Sir Wilfrid Laurier's leadership. The Imperial Parliament therefore provided for Australia that there should be no such law as the Canadian Franchise Act of 1885 and the War-Time Elections Act of 1917. Australia owes this to the late Hon. Edward Blake, formerly Prime Minister of Ontario, leader of the Canadian Federal Liberal Party, who in 1887 was defeated in Canada by the iniquitous Franchise Act of 1885, but in 1900 was

a member of the Imperial Parliament and took a great interest in the framing of the Constitution of Australia. He was one of the Commissioners specially appointed to frame the Australian Constitution. His soul loathed the iniquity of 1885 and its practical effect in 1887 but he was dead before the greater iniquity of 1917—the War-Time Elections Act was placed upon the Canadian Statute Book.

It is interesting to note that the acts of 1885 and 1917 were passed by Conservative Governments in distress. A Federal Franchise Act is at variance with the principle of Provincial Autonomy (local self-government) which is the basis of confederation. There is no constitutional or other sound reason for disregarding the provincial voters' lists.

WHAT M.P.'s SAID IN 1917.

Sir Wilfrid's Address and Premier Martin's Manifesto.

In view of events that happened subsequently it is instructive to read what was said about the War-Time Elections Act by different members of Parliament during its passage through the House of Commons in 1917. Here are a few extracts from the Hansard:—

F. B. Carvell:—Page 5699.—The Government are disfranchising Austrians, Germans, British subjects; they are disfranchising women, in fact it seems to me that they are disfranchising any one who they think will vote Liberal.

A. K. McLean:—Page 5596—The Bill before the House proposes to disfranchise arbitrarily a portion of the people of this country. This legislation is objectionable in principle, and I deny that there is anything in the world to justify its introduction or its enactment. A proper regard for the future of this country and for our good name among the nations and peoples of the world compel one to oppose the measure. It is not founded upon any principle of a substantial character. I maintain that history will adjudge the act contemplated by this bill as a blot upon our national career. And unfortunately, it comes at a time when we are writing glorious and imperishable pages of our history, which will be the future epics of this young nation.

Geo. E. McCraney, M.P.—Page 5563—I do feel, however, that in placing this measure of disfranchisement before parliament—a measure against which we protest; a measure in respect of which we must accuse the Government of the most partisan conduct—the Government by their own Act are throwing the gravest doubt upon the judgment that we have exercised in supporting their measure of conscription.

W. A. Buchanan, M.P.—Page 5581—We left our party and took the position we did for the national advantage, because we looked upon the measure as a war measure. The Government is adopting the present measure, not as a war measure and not for the National advantage, but for the advantage of the party they represent. I would like to say that, if we are going to build up a united Canada, if we are going to bring people into this country and promise them the rights of citizenship, we must adhere to the pledged word we have given them. We must let them know—that we as Canadians living under the British flag, are going to adhere to our word.

W. E. Knowles, M.P.—Page 5812—I look upon this Bill as a great peril. If we are to lay down the principle that a Government that is in power can go behind the Bill of Rights, and the principles of the Magna Charta, and can say "We believe we must be perpetuated and continued in power, and we will disfranchise people who would vote against us," then the democracy is destroyed, and any tyrant who would assume power in this country could continue to possess that power, if you are going to once allow the principle that he is to be able to dictate as to who will vote.

Hon. Frank Oliver, M.P.—Page 5818—I say that this Government is committing a crime against Canada in the legislation now before the House, a crime the effect of which may be more far-reaching than any man can now see.

D. D. McKenzie, M.P.—Page 5609—Certain emissaries went froth from this country to the West to ask certain gentlemen to cast their lot with this Government and come under the Tory yoke. But, as they would not submit to the Tory yoke, as they would not come within the thralldom of Toryism, the next thing was to subject them to this law, to have them gagged, pilloried, outlawed.

Hon. W. M. Martin, Premier of Saskatchewan, issued a statement from Regina, December 8th, 1917 of which the following are extracts:

"In regard to the War-Time Elections Act, I have already expressed my opinion with respect to the disfranchisement of certain classes of our people. I regard this feature of the act as un-British and undemocratic, calculated to create distrust and suspicion and to delay the Canadianizing of many of these people for a generation.

"Moreover, apart from the disfranchisement provisions of the Election act, **machinery is created which in the hands of unscrupulous men may be used in such a way as to win any constituency.** This portion of the act renders possible the disfranchisement of any citizen living in Western Canada."

The Right Hon. Sir Wilfrid Laurier in his election address issued on November 5th, 1917, dealt with the War Time Elections Act as follows:"

"In order to be effective, to satisfy the public conscience and to secure that acquiescence in a verdict which should be the last word on all questions submitted to the people, a general election should be an appeal to the electorate such as it exists under the law.

"The Government have discarded that fundamental principle of the institutions of a free people. They have designedly altered the sanctity of the franchise, by choking discussion, by ruthlessly using the closure, they have deliberately manufactured a franchise with which they hope to win a victory at the polls—a passing victory for themselves, a permanent injury to the country.

"This act known as the War Time Elections Act, is a blot upon every instinct of justice, honesty and fair play.

"It takes away the franchise from certain denominations whose members from ancient times in English history have been exempt from military service, and who in Great Britain never were, and are not now, denied their rights of citizenship.

"It takes away the franchise from men whom we invited to this country, to whom we promised all the rights and privileges of our citizenship, who trusted in our promises and who became under our laws, British subjects and Canadian Citizens. They are thus humiliated and treated with contempt under the pretence that being born in enemy countries, in Germany and Austria, they might be biased in favour of their native country and against their adopted country. The assumption is false in theory and might easily be so demonstrated. It is sufficient to observe that it is also false in fact. There has not been any current of emigration from Germany to Canada during the last twenty years, and as to Austria, almost the total number, perhaps nine-tenths of the emigrants from that country, were not from Austria proper, but from those Slav provinces held by force by Austria, and whose sympathies are strong and deep against her, and for the Allies.

"It gives the franchise to some women and denies it to others. All those whose privilege it is to have near relatives amongst the soldiers will be voters. The right will be refused to all those not so privileged, though their hearts are just as strong in the cause, and though they have worked incessantly for it. Moreover, in five provinces of the Dominion, namely, Ontario, Manitoba, Saskatchewan, Alberta, and British Columbia, women have been admitted to the franchise. According to the terms of the Dominion law, which no sophistry can blur, being electors in the province, women are electors in the Dominion. The act of last session snatches away that right from them.

"The Act is vicious in principle, and is equally vicious in its enacting dispositions. We have in most of the provinces of the Dominion, a regular system of preparing the voters' lists and against that system no complaint has been heard during the last twenty years. That system is also cast aside and **lists are to be prepared by an army of so-called enumerators, whose work must be done in haste, whose powers are arbitrary, with no useful checks to be exercised in due time, and with all doors wide open for errors, confusion and frauds.**

"Such legislation is repugnant to every sense of justice and right. It has for its object and for its effect to discourage and to stifle the free expression of the will of the people, and to make parliamentary government a mere name without a reality."

On May 23rd, 1918, in the House of Commons, Sir Wilfrid Laurier moved that the War Time Elections Act be repealed, but the Borden Government voted this down and a new act or another enormity is from time to time mentioned in the press as likely to be proposed by the Government.

War-Time Elections Act, 1917.

The Iniquity of 1885 Repeated in 1917.

Thousands of English, Scotch, Irish, French and native born British Subjects and also naturalized British Subjects of non-German and non-Austrian blood were not allowed to vote.

A dark blot of shame was cast upon Canada by the Borden Government passing the War-Time Elections Act, 1917, and newspapers supporting the Borden Government gleefully approved of it. (See Toronto Daily News Conservative, Saturday, March 23rd, 1918).

Violation of Rights.

From many quarters, information has been obtained that the War Time Elections Act was used as it was intended to be used and that gross irregularities, many flagrant violations of the law, were systematically resorted to by returning officers, deputy returning officers, enumerators, candidates and agents of the Borden Government, amongst other violations of constitutional rights being the following:—

1. That as a rule the enumerators kept no office, that it was difficult to locate them, that they left off names of thousands of persons, English, French, Irish, Scotch and native born British Subjects and also naturalized British Subjects of non-German and non-Austrian blood and others qualified to vote, and left them off even after their attention had been called to the fact that such persons were entitled to vote, and that the names of persons actually on the But as published were subsequently removed by the enumerators.

Prussian Methods.

2. That the Deputy Returning Officers refused to allow persons to vote on certificate.

3. That the D.R.O's acted as if they were the election agents of the Borden Government and challenged the right of persons to vote who were likely to vote Liberal.

4. That without regard to nationality, language or place of birth, persons, although naturalized, were not permitted to vote because of the fact that they were born in Norway or other European country of which Germany or Austria had nothing to do.

5. That subject races of non-German or non-Austrian blood born in territory taken by Germany or Austria but opposed to Prussianism both in Europe and in Canada and naturalized previous to April 1st, 1902, were not permitted to vote, although even the notorious Act did not disqualify them.

6. That persons of European blood, although born in Canada, were not allowed to vote.

7. That Americans naturalized in Canada were not allowed to vote.
8. That persons were known to have voted more than once.
9. That the names of women and other persons not entitled to vote were placed upon the list.
10. That the names of Indian women were improperly placed on the list and these squaws, as at Southampton, North Bruce, Ontario, voted for the Borden candidate.
11. That the Returning Officer refused to supply the lists of enumerators to the Liberal candidates, and even native born British subjects of British blood were not allowed to vote.
12. That sufficient ballots were not supplied at the polls and polls were placed in inconvenient localities.

Foiled The Soldiers.

13. That it was suggested to returned soldiers in hospitals or elsewhere or soldiers in training that in regard to paragraphs 6, 7 and 8 in Form B of the Military Voters Act regarding residence at the time they enlisted that they answered by stating "I cannot say" and thus allow a further suggestion to be made that they designate a riding in which the Government agents wished their vote to be counted.

14. That discharged soldiers who under section 10 of the Military Voters Act were entitled to vote "as an elector of the polling district wherein he is a resident at the time of polling" were requested to move for the day of the election to a riding where their vote would be useful when such sojourn is not residence within the meaning of the law.

15. That thousands of telegrams, letters, copies of papers, speeches, etc., were sent out by persons acting on behalf of the Government, and the Government itself issued an official statement promising exemption from Military service without regard to the procedure set forth in the Act. Thousands were exempted for election purposes and four months after many of these exemptions were cancelled.

16. That cables or telegrams were tampered with as for example a soldier cabled "Home Christmas" and when the cable was delivered it read "Home Christmas. Vote Union Government."

17. That the fathers, mothers and other relatives of soldiers overseas were promised to have their boys home for New Year's Day 1918 or shortly afterwards if these mothers, fathers and other relatives would vote for the Borden Candidates.

18. That the Canadian soldiers in Great Britain and in the trenches voted under the Military Voters' Act and in the hands of the officials it was more readily than the War Time Elections Act. (See debates in Parliament as reported in Hansard, May 1918.)

19. That improper suggestions had been made regarding the disposal of the patriotic fund and other war time efforts put forth by the people as a whole without regard to political views.

**PROVINCIAL PREMIERS, MEMBERS OF PARLIAMENT, AND
SENATORS.**

The foregoing is issued on behalf of the National Liberal Convention Committee. The Committee is composed of the following:—

D. D. McKenzie, M.P., North Sydney, Cape Breton, Nova Scotia, Chairman; Senator Hewitt Bostock, Ducks, B.C.; Senator W. C. Edwards, Ottawa; Senator N. A. Belcourt, Ottawa; W. H. White, M.P., Alberta; Dr. J. P. Malloy, M.P., Manitoba; Hon. Charles Murphy, M.P., Ottawa; D. C. Ross, M.P., Strathroy, Ont.; I. E. Pedlow, M.P., Renfrew, Ont.; Hon. R. Lemieux, M.P., Montreal, Que.; James A. Robb, M.P., Chateauguay-Huntington, Que.; E. B. Devlin, M.P., Wright County, Que.; F. S. Cahill, M.P., Pontiac, Que.; Dr. J. E. Fontaine, M.P., Hull, Que.; Ernest Lapointe, M.P., Kamouraska, Que.; L. J. Papineau, M.P., Bauharnois, Que.; and Hon. John Oliver, Premier of British Columbia; Hon. Chas. Stewart, Premier of Alberta, Hon. W. M. Martin, Premier of Saskatchewan, Hon. T. C. Norris, Premier of Manitoba, Hon. Sir Lomer Gouin, Premier of Quebec, Hon. W. E. Foster, Premier of New Brunswick, Hon. Geo. H. Murray, Premier of Nova Scotia, Mr. J. H. Bell, leader of the Liberal Opposition in Prince Edward Island, and William Proudfoot, K.C., M.P.P., Toronto, Ont.

