Canada. Parliament. House of Commons. Special Committee on Dominion Elections Act and Corrupt Practices Inquiries Act, 1930.

SESSION 1930

HOUSE OF COMMONS

MINUTES OF PROCEEDINGS AND EVIDENCE

OF THE

SPECIAL COMMITTEE

ON

DOMINION ELECTIONS ACT AND CORRUPT PRACTICES INQUIRIES ACT

No. 1

WEDNESDAY, MARCH 19, 1930

WITNESSES:

Richard Myers—Canadian National Institute for the Blind; W. E. Guy.

Appendix:—The Political Status of Blind Electors.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1930

ORDER OF REFERENCE

HOUSE OF COMMONS,

FRIDAY, March 7, 1930.

Resolved,—That a Special Committee consisting of Messrs. Anderson (Toronto High Park), Bancroft, Bird, Black (Yukon), Bothwell, Boys, Cahan, Cannon, Cantley, Dussault, Elliott, Girouard, Guthrie, Hanson, Jacobs, Kellner, Kennedy, Ladner, Laflamme, Lapierre, MacDonald (Cape Breton South), McPherson, Power, Ralston, Ryckman, St-Père, Sanderson, Sinclair (Queens) and Totzke, be appointed to consider amendments to the Dominion Elections Act, 1920, and to the Corrupt Practices Inquiries Act recommended by a committee appointed at the last session for consideration of Parliament at the present session which amendments were appended to the Committee's report presented to the House on the 5th June, 1929;

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; and that Section 1 of Standing Order 65 respecting the number of Members of Select Special Committees be suspended in relation therto.

Attest

ARTHUR BEAUCHESNE,
Clerk of the House.

MINUTES OF PROCEEDINGS

SPECIAL COMMITTEE ON THE DOMINION ELECTIONS ACT AND THE CORRUPT PRACTICES INQUIRIES ACT

HOUSE OF COMMONS,

WEDNESDAY, March 19, 1930.

The Committee duly convened at the hour of 10.30 a.m., pursuant to notice given.

Members present: Messrs. Anderson (Toronto High Park), Bird, Boys, Cannon, Cantley, Dussault, Girouard, Hanson, Kellner, Kennedy, Ladner, Lapierre, MacDonald (Cape Breton South), Power, Ryckman, St-Père.

The Clerk of the Committee called the meeting to order and declared the meeting open for nominations for the position of Chairman.

Upon motion of Mr. Boys, seconded by Mr. Anderson, Mr. Power was nominated. No further nominations being made, the Clerk declared Mr. Power elected.

Mr. Power took the Chair.

Upon motion by Mr. Kellner, the Chairman was instructed to Report to the House recommending the reduction of the quorum from fifteen members to nine members.

Upon motion of Mr. Kennedy, the Chairman was instructed to Report to the House recommending that the Committee be given leave to sit while the House is in session.

Upon motion of Mr. Boys, the Chairman was instructed to Report to the House recommending that the Committee be given leave to print its proceedings and evidence, from day to day.

After consideration of the scope and limitations of the Order of Reference of March 7th, 1930, the Committee decided that it was desirable that its authority be enlarged so as to permit it to consider and report such other amendments to the Dominion Elections Act and the Corrupt Practices Inquiries Act as might seem advisable, in addition to the amendments recommended to the House last session.

The Chairman was thereupon instructed to Report to the House accordingly.

Mr. Hanson moved that the Chief Electoral Officer, who was in attendance, be directed to supply the Committee with copies of a list containing the names of Returning Officers, by him appointed, their addresses and occupations, and the names of the persons recommending their appointment. Carried.

Richard Myers, representing the Canadian National Institute for the Blind, appeared before the Committee, was sworn and presented recommendations for the amendment of the Dominion Elections Act with respect to the manner of voting by blind electors. The witness retired.

William Edward Wood Guy, of the City of Vancouver, appeared before the Committee, was sworn and made certain representations with respect to deposits required of candidates and other matters provided for by the Dominion Elections Act.

Witness retired.

The Committee then adjourned until Wednesday, March 26, at 10.30 a.m.

A. A. FRASER,
Clerk of Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,

WEDNESDAY, March 19, 1930.

The Special Committee appointed to consider the Dominion Elections Act met at 10.30 o'clock, the Chairman, Mr. C. G. Power, in the chair.

RICHARD MYERS called.

By the Chairman:

Q. You represent the Canadian Institute for the Blind, and you wish to make certain recommendations or observations with respect to the voting of blind people?—A. Yes.

Q. What do you wish to say about it?—A. In the first place, gentlemen, may I be permitted to thank you for the privilege you have granted me to attend your organization meeting. In the second place, my reason for coming here is that I come as a representative of the Canadian National Institute for the Blind, in so far as they have been approached by many blind electors requesting them to prepare statements and to make suggestions to Parliament as to some procedure that would be, in a measure, an alternative for the present procedure that the blind have to follow in respect to voting.

As you know, under the law as it stands, the D.R.O. in the presence of sworn agents of the candidates must help mark the ballot, and deposit it in the ballot box. We have examined the Election Acts of the various countries including Great Britain, Canada, United States and Australia. There are thirteen precedents in the United States in connection with the suggestion we are making, and one in Australia.

By Mr. Hanson:

Q. Before you go any farther, would you mind telling me your objection to the present procedure, because I never have heard any objection to it?—A. The objection is as to the method of voting, and they feel it is the very next thing to open voting. The man feels, when he enters the polling station, that it is necessary, in order to comply with the present procedure, that he must declare himself very often in front of at least three persons, who would be the Deputy Returning Officer and two agents of the two candidates. He feels that that is his position, because of his incapacity to declare himself properly, and he feels that the ballot voting is not given to the blind elector. In most instances that we have known, the blind elector takes his vote at the table of the Deputy Returning Officer. The objection is serious, insofar as the fact that many blind persons refuse to exercise their franchise under such conditions. They ask, however, that they be permitted to choose a person of their own choice. That, in a broad way, is the suggestion that we are making.

A thorough examination of the subject is being made. We have looked into the matter as it applies in various countries. There is really no great danger, from a public point of view, rather than from the blind electors' point of view, in any procedure that we are suggesting. We have prepared an amendment which, in itself, is self-explanatory, and I believe I should read it to you:—

> When a voter who is incapacitated by blindness has subscribed to form 38, he may have the assistance of a relative or friend, as he or she may select, and of no other person, except as when voting within the

meaning of the section preceding. Such sighted assistant shall accompany the blind voter to the polling booth, and mark the ballot paper as directed by such voter. Such sighted assistant may only act for one blind voter in any one election, and before entering the polling booth shall subscribe to the oath following:—

I swear (or affirm) that I am well acquainted with John Doe who is incapacitated by blindness.

That I will faithfully mark his or her ballot paper as directed by the said John Doe.

That I will not divulge the name of any candidate voted for.

That I have not this day assisted any other blind voter.

That places such person in precisely the same position as the Deputy Returning Officer, in respect to secrecy. We say that it removes the possibility of fraud by a person saying that he or she is blind, when in fact they are not blind. Such a condition could exist under the present circumstances. The suggestion, as we make it, is merely a suggestion. May I say, however, that we are extremely anxious that an amendment be made this year to the Dominion Elections Act to let the blind person choose, as suggested under the amendment. Outside of that we would like to receive the consent of Parliament to the amendment of this Act, and in this way it will be much easier to approach the provinces for the amendments to their election acts, and to arrange for amendments to the municipal acts. As I say, there is one amendment in the British Empire in respect to the blind, and I have reference to the one in Australia. I have in my hand what purports to be a section of the Act outlining assistance to certain voters, substituted by No. 17, 1928, section 19. It is a revision of the Election Act of Australia, and is as follows:—

(1) If any voter satisfies the presiding officer that his sight is so impaired or that he is so physically incapacitated that he is unable to vote without assistance, the presiding officer shall permit a person appointed by the voter to enter an unaccompanied compartment of the booth with the voter, and mark, fold, and deposit the voter's ballot-paper for him.

(2) If any voter fails to appoint a person in pursuance of the last preceding subsection, or if any voter satisfies the presiding officer that he is so illiterate that he is unable to vote without assistance, the presiding officer, in the presence of such scrutineers as are present, or, if there be no scrutineers present, then in the presence of (*a*) the poll clerk; or (*b*) if the voter so desires, in the presence of a person appointed by such voter, instead of the poll clerk; shall mark, fold, and deposit his ballot-paper for him.

I do not intend to take much more of the time of this Committee. All I can say is this; that a complete study of this question from the point of view of blind persons, and from the point of view of public welfare has been made. It has been examined from stem to stern, and every angle of the question is answered in this brief, or argument I have in my hand. I would beg leave from the Committee to file this typewritten statement, for the consideration and study of the subject.

The CHAIRMAN: Is it the wish of the Committee that this brief be printed in the proceedings?

(Suggestion agreed to, and brief entitled "The Political Status of Blind Electors" attached hereto as Appendix "A".)

Mr. LAPIERRE: Would the witness give us an approximation of the number of blind voters?

The WITNESS: We have, at the present time, according to the latest reports in the League of Nations Report published recently, 7,000 blind persons in Canada. That would be one person in every 1,450 electors in this country, if every citizen were a voting citizen. However, they are not, because there are children included in that 7,000.

By Mr. Hanson:

Q. How many voters are there?—A. It is difficult to say offhand, but in discussion I would say that it might perhaps be narrowed down to a basis of one in eight hundred. It is a very difficult thing to estimate accurately.

Q. Altogether there is only one in 1,400?—A. Yes, one in 1,450.

Q. That is one in about 3,000?—A. Yes. We figured on the basis of taking 7,000, and dividing it into 10,000,000, making 1,450. If you look at the figures of the Dominion Bureau of Statistics—

Q. Assuming 3,000 are under 21 years of age, that raises your ratio?—A. Yes.

By Mr. Boys:

Q. You must go through the same process of reasoning in dealing with the population of Canada. I would imagine the ratio would be about the same; perhaps it would be somewhat different, and the difference would be in favour of the blind men. I believe it is the case that blind men do not have quite so many children as those who are not blind. But I take it, if you brought it right down to the actual number of electors, the ratio would be in favour of the blind men.

By Mr. Hanson:

Q. That is why you say that there would be one in 800?—A. Yes.

By Mr. Lapierre:

Q. How many of those are in institutions?—A. Not very many. The method we use in taking care of the blind is that we keep them in their homes as much as possible. We are gradually raising the status of the blind in Canada, and the situation is tremendously different to what it was when this Elections Act was first brought into existence, in 1918. As a matter of fact, our Elections Act in respect to the blind is patterned after the Imperial Ballot Act of 1872. There is a tremendous difference in the present status. Ever since the War, the status of the blind has been raised to an enormous extent, and to such an extent that I cannot begin to explain to you the difference between to-day and the year 1917 or 1918.

By Mr. Hanson:

Q. It is true that a very substantial number are still in the institutions?—A. Yes, but not very many. Those who are actually in institutions would be barred from voting.

The CHAIRMAN: No, they have the right to vote, under the new Act.

The WITNESS: To give an illustration, we have a home in Toronto for blind men, and at the present time there are only about 14 blind men in the home.

By Mr. Hanson:

Q. How many are there in the School for the Blind at Halifax?—A. I am not sure about that.

By Mr. Boys:

Q. There are a great many at the institution down at Belleville, are there not?—A. No, not very many.

Q. Oh, I thought there were.—A. No, not a great many. There are not very many blind people in the Canadian institutions. They are not as numerous, as one would imagine them to be, as in any other cross section of society.

Q. Dealing with your proposed amendment, I understand your proposition to be that the blind elector should have the ballot marked by his friend, no official of the poll being present at all?—A. Yes, that is correct.

Q. Why do you suggest that a distinction should be drawn in the case of the blind man, as compared with the case of the illiterate man?—A. In the first place, I am not in a position to answer for the illiterate man. The examination of this question has been entirely based on the subject as we know it, in its relation to the blind man. There is a big difference, as it is the fact that at the present time we have probably a dozen men in one city who absolutely refuse to vote on the grounds that they feel they are subject to humiliation. I imagine that with the illiterate person that feeling might not be so strong. Many of these blind people have real intelligence; they are really intellectual men. I have in mind at the present time Mr. Swift, our librarian, who absolutely refuses to vote. Then there is Captain Baker and Mr. McQuaig who also refuse to vote under the present system. They take the view that they should be allowed to take their wives into the polling booths with them. As a matter of fact, I may tell you that the procedure as laid down is not always followed. I know case after case where the wife of the man actually accompanies the blind man under our present system, and she marks the ballot for him.

By Mr. Hanson:

Q. I never heard of that practice.—A. Well, I know of those cases.

By Mr. Kellner:

Q. You would not have any objection if we made the provision a little wider so as to include the illiterate?—A. So far as we are concerned, you may go as far as you like. There is the slight objection which has been raised, but which I am not stressing, that the blind do not like to be classed with the illiterates.

Q. I do not desire to do that, but the question I wish to ask is as to why the friend of the blind person could not be allowed to mark the ballot in the presence of the scrutineers. I would suppose your answer to that would be that there is no secrecy under such procedure?—A. Yes.

Q. But the scrutineers are sworn to secrecy as much as the friends would be.—A. Let me give an illustration so as to answer your question. I know of a case which happened four years ago where a blind man went into the polling booth and had his ballot paper marked for him. He returned to his little tobacco store located in close proximity to the polling station, and within twenty minutes of his arrival at the store two men came in and congratulated him on his vote.

By Mr. Hanson:

Q. Of course, that is entirely a question of a breach of the law, and a breach of oath?—A. No, I do not think there is a breach of oath there, sir.

Q. I think they are obliged to take an oath.—A. The Returning Officer is obliged to.

Q. And the scrutineers, too. They have to take an oath.—A. May I say that there is nothing in the Act which makes it obligatory upon the Returning Officer to clear the polling station when a vote is taken.

Q. Nobody is supposed to be in there with the exception of the Returning Officer and the scrutineers.—A. As a matter of fact, sir, it very often happens the other way.

Q. I think that provision of the law is pretty well carried out. People are not allowed to loaf inside the polling booths.

The CHAIRMAN: Both parties see to that, as a rule.

Mr. HANSON: It is against the whole spirit of the law that electors should be allowed to remain in the polling booths.

Mr. KENNEDY: The polls we have in the west are often in hotel lobbies, with people walking around.

By Mr. Boys:

Q. Do you really believe that there would be any objection to having the ballot marked in the presence of scrutiners or the Deputy Returning Officer?—A. There would be. They want the ballot to be as secret as it can possibly and humanly be made.

Q. And so does everybody.

Mr. HANSON: This is the present law as contained in subsection 10 of section 63, dealing with the oath taken by the Deputy Returning Officer. (Reading):—

> The Deputy Returning Officer on the application of any voter who is unable to read or is incapacitated by blindness or other physical cause. . .

I understand objection is taken by the blind to being classed in the same category as those who are incapacitated?

The WITNESS: Yes, there would be objection to being classed as illiterates.

Mr. HANSON: To continue the section,—

> . . . from voting in the manner prescribed by this Act, shall require the voter making such application to make oath in form No. 38 of his incapacity to vote without assistance . . .

You have no objection to that?

The WITNESS: No.

Mr. HANSON: (Reading):—

> . . . and thereafter assist such voter by marking his ballot paper in the manner directed by such voter in the presence of the sworn agents of the candidates, or of the sworn electors, representing the candidates in the polling station, and of no other person, and place such ballot in the ballot box.

I take it your objection is merely as to the moduc operandi, and as to who shall mark the ballot.

The WITNESS: Yes.

By Mr. Hanson:

Q. You do not want the Deputy Returning Officer to know how it is marked?—A. Correct.

Q. I understand your position. But, on the other hand, there are such things as election workers, and I suppose that illiterates and those physically incapacitated through blindness or other causes, may be used often by party agents. I notice that you use the words "a person well acquainted with the blind person".—A. Yes, a relative or friend.

Q. Does it say "relative"?—A. Yes, a relative. The idea is to keep it confined to relatives, as much as possible.

Q. It does not stretch the imagination to see that many people who would bring that voter in might take the oath and say, "I know this fellow." They would see that his vote is marked, and I see great danger from your suggestion. Theoretically the present law is good, if it is carried out. Your objection to the present law is not the persona designatio in the law, but the manner in which it is carried out?—A. Yes.

Q. In other words, the law is not observed.—A. Yes. In other words, the objection is that there is no secrecy so far as balloting is concerned.

Q. There is no secrecy, in your opinion; somebody else knows how the blind person votes; that is the whole sum and substance of it. There is no secrecy at all, if anybody outside of the person voting knows how he votes. You have to waive the whole question of secrecy when you have another man marking your ballot.—A. You narrow it down.

Q. You narrow it down, under present conditions, to the Returning Officer and two agents.—A. Or more.

By Mr. Boys:

Q. But the point is that the blind man trusts his friend not to divulge the information.

Mr. KELLNER: That is the only difference, it seems to me.

By Mr. Boys:

Q. One other thing: let us take the blind man to the poll, and see what happens. He can have a friend take him to the doorway, and open the door for him, and as I understand it, under the present law, he would be in the care of the Deputy Returning Officer and the officers of the poll. They would take him into the compartment, and he would be asked how he wishes to vote, and he would be obliged to disclose his vote to someone he does not know. In contrast to that, under your system, he goes in with a friend. The friend would take him to the polling booth, and would probably know how he wanted to vote before he got there. The friend would not have to ask any questions, and would simply mark the ballot; that is the proposition?—A. Yes.

Q. The amendment to this Act would entitle the friend of the blind man to accompany him to the polling booth, and to mark the ballot. The only point is as to whether we should amend our Act to exclude the officials. You ask us to make that exception in favour of blind men. That is the point I am trying to make. May I say that I am entirely in favour of the friend going through the procedure with the unfortunate man, but why should you ask us to treat him differently to every other class of individual, and to exclude the officials of the poll?—A. If, in the opinion of this Committee, they consider it not in the public interest to do so, we would not hesitate.

Q. You want the friend there?—A. Yes, we want the friend of the blind man to be there.

By Mr. MacDonald (Cape Breton South):

Q. Did you ever consider the possibility of having blind men vote at the advanced poll?—A. Yes, I have thought of it, and have thought of having the votes taken by the County Judge, or something of that kind. I must say I did think of it, but we really did not come to any conclusion in this matter because of the fact that it would be much simpler this way. The idea behind this entire process is to make it not only more agreeable to the blind man, but simpler for the Deputy Returning Officer to facilitate the matter of voters in hand.

Q. They might be included in those who could vote at the advanced poll, and it would not necessarily deprive them of their right to vote at the general poll, if they so desired.

Mr. LAPIERRE: The advance poll is for men who travel, and men on railways. There are very few blind men engaged in these professions.

Mr. HANSON: As a matter of fact, the blind man does not travel, as a rule.

By Mr. Boys:

Q. I think we understand your point, Mr. Myers.—A. Is there any other question you would like to ask?

Q. Your indictment, if I may so call it— —A. Oh, pardon me—

Q. I use the word "indictment." It is not so much an indictment, probably, or a vote of want of confidence in election officers, as it is a statement in regard to the psychological position of the voter himself. The position is that the blind man does not want to declare his vote to a stranger?—A. That is it exactly; that is the very strong point.

Q. It is not an indictment of the efficiency or interest of the election officers? —A. No, it is not.

Witness retired.

The CHAIRMAN: There is a gentleman here by the name of Mr. Guy. I believe he comes from Ottawa, and has some observations to make. If it is the pleasure of the Committee, we shall hear him at this time.

WILLIAM EDWARD GUY called and sworn.

By the Chairman:

Q. Where do you reside?—A. Mr. Chairman, I want to make a correction as you have referred to me as of Ottawa but I am from Vancouver.

Q. Now, Sir, will you tell the committee everything which might be of assistance in modifying the present Elections Act?—A. Mr. Chairman and gentlemen of the committee, I first wish to suggest that the deposit of $200 be removed for the purpose of assisting independent and other candidates who may honestly have the interests of the country at heart in seeking election. There are those who believe we are justified in offering ourselves for election as independent candidates in federal and provincial elections. We feel we should do this for the purpose of rendering an impartial service to the country. My ambition has been to introduce legislation covering national insurance and this has been my platform in elections I have contested in Calgary East for the federal house and South Vancouver for the provincial legislature.

By Mr. Boys:

Q. Do you appear here on your own behalf?—A. I appear here, sir, as a candidate.

Q. You were in Ottawa on some other business and have appeared here just by chance?—A. Yes, I happened to see the announcement in the press and I availed myself of the opportunity.

Q. Did you hear of the movement in Ontario to impose the $200 deposit?—A. Yes.

Q. Did you appear before any committee in the province of Ontario?—A. No, I did not because I am not interested in the province of Ontario.

Q. You said you had been a candidate in East Calgary? Did you oppose Mr. Adshead?—A. Absolutely.

Q. When I interrupted I thought it was very desirable for this committee to know whether you represented any body of people or merely as an individual.—A. I am here for myself, probably some day I may represent a much greater body.

By Mr. Hanson:

Q. What party did you represent in East Calgary?—A. I was an Independent, and offered myself for the sole purpose of placing before the people of that constituency the desirability of social insurance legislation.

Q. How many votes did you get?—A. Well, I was credited with 123.

By Mr. Boys:

Q. Proceed and make your remarks as brief as possible because you are speaking for yourself.—A. Yes. The very fact that the deposit is required frequently prevents independent candidates from entering the field notwithstanding that they may honestly desire to enter the political arena for the purpose of presenting legislation dealing with social problems. It has been shown that where no deposit is required the number of candidates has not been increased, British Columbia is an example.

I would like to explain that I am very much interested in the question of national social insurance. I believe the people of this country are interested in it. I have with me a copy of a proposed act which I took to Mr. Ian Mackenzie, M.L.A., Vancouver. I consulted with him and suggested that if he was really interested in social welfare that he should submit to the government of the province of British Columbia that one hundred thousand copies should be printed and distributed throughout that province. Mr. Mackenzie refused to do this or to introduce me to the cabinet in order that I might explain fully the benefits to be derived by this form of social legislation. I wish to say I have formed my own opinion believing I am perfectly justified in pressing a matter of this kind before the proper authority because I believe it is one that affects the social welfare of the people of this country.

By Hon. Mr. Cannon:

Q. Your first suggestion is that the act be amended so that there will be no deposit. What is your next suggestion?—A. My suggestion is this, that those offering themselves as independent candidates very often get bumped hard and about the first thing that is reported they are accused of being the instruments of a political party. We can all have a joke and see the funny side of a situation but on the other hand the independent candidate in facing the electors is subject to embarrassment.

By Mr. Hanson:

Q. It is your own free choice?—A. Absolutely. I do not deny the independent candidate exercises the freedom of choice but the statements broadcast by his opponents that he is a tool of a political party is my point. An independent candidate can be entirely independent regardless of his position but I found wherever I went I was accused of being placed in the field by the Conservative party to split the labour vote. That statement was malicious because my platform was as I have stated to further social welfare. The amendment to the Dominion Elections Act that I would suggest is that those circulating such malicious statements should be called upon to substantiate them.

By the Chairman:

Q. Mr. Guy, what amendment would you care to make to that section of the act?—A. My suggestion is that where a candidate has been elected and the influence of malicious statements has been so great as to destroy the honour and prestige of an independent candidate, then before the successful party takes his seat he shall be called upon to prove and substantiate the statements that have been made by him.

By Mr. Hanson:

Q. You are asking them to prove a negative, you must mean it the other way. Where a candidate such as yourself has been maligned your contention is that the man who made the malicious statement should be called upon to prove it?—A. Absolutely.

By Mr. Boys:

Q. He means that the elected malicious fellow should be unseated.—A. Yes, because it is an election fraud.

Q. If you have been maligned and slandered you should know you have the same opportunity as anyone else to exonerate yourself.—A. I realize, but the point you raise of resorting to the courts involves expense which is sometimes prohibitive.

Q. Is it your wish to have something in this act that proceedings of this kind would be financed by the crown?—A. No, not at all, but I want the privilege of bringing my case before a committee of the house and having the opposing party substantiate the statement attributed to him.

Q. It is the desire of the committee to treat you with courtesy but you come here merely as an individual not representing any body of people. We are dealing with the amendments to the Dominion Elections Act not as they may affect the individual but the people of this country.

By Hon. Mr. Cannon:

Q. In 1926 when you were a candidate in East Calgary, Mr. Davis was the Conservative candidate?—A. Yes.

Q. He received 5,137 votes, Mr. Adshead, Labour candidate, received 6,703 votes, and you as independent Labour candidate received 163 votes. In that case who do you blame, Adshead or Davis?—A. I am not referring to those candidates, but the point is this, in the Canadian Labour party or the Dominion Labour party there are some members who were at the back of this campaign, and in order to make my position look as ridiculous as possible they caused to be circulated the statement as above referred to. The challenge was put up against Mr. Parkyn and Mr. White. I suggested if the malicious statements were true and could be substantiated that those charged should come forward and prove them; if they could not prove them that they should be made to compensate for the damage done.

Hon. Mr. CANNON (Reading):

> 13. Any person who, before or during any election, for the purpose of affecting the return of any candidate at such election, makes or publishes any false statement of fact in relation to the personal character or conduct of such candidate is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this act provided.

That is the section that covers it.

Mr. BOYS: For such an offence a candidate can be disqualified.

By the Chairman:

Q. Mr. Guy, I think we will have to let it go at that, and I assure you that the committee will consider your representation.—A. I would like to have a few moments to complete my case.

By Mr. Boys:

Q. You have not told what the statement was?—A. The statement is this, that I was placed in the field in the constituency of East Calgary as an independent candidate by the Conservative party and financed by their funds for the purpose of splitting the vote of the Labour candidate.

By Mr. Hanson:

Q. That was not true?—A. No. I realized that they would never waste $200 that way. It may appear a pretty good joke from your point of view, and I am willing to say it has a funny side but unfortunately I was the goat.

By Mr. Boys:

Q. What do you suggest if a statement of this character is made by somebody on the street?—A. It was made by two members of the organization.

Q. When made by agents of the candidate, that is your point?—A. Yes, absolutely. Those who were responsible, agents for the candidate elected.

By Mr. Hanson:

Q. Were they agents for Mr. Adshead?—A. I believe they were. My point is if such statements can be made in spite of the fact a man may be seeking to have social legislation enacted, believing he has a just cause and is justified in seeking the support of the people because he has a political platform that statements made influence votes in another direction the significance is that the party responsible for the statements being circulated would naturally win the election. After the election I approached the Conservative organizer, and also member of the staff of the house, suggesting that these parties prove their allegations, but the argument was put up that the election was over and while sometimes statements are made that are not considered justifiable, under the circumstances it would perhaps be better to let the matter drop. I have been in the Labour field a good many years and suggest the time may come when we will all be working together. I wish action to be taken in having an amendment to the Elections Act in the manner referred to. I am not financially able to prosecute a case of this kind, and therefore desire that careful considerations be given to my suggestion.

After that election I returned to my work to earn a living, and in 1928 there was a provincial election in the province of British Columbia. I proceeded there and ran as an independent candidate. I learned that there was no deposit required but $100 for advertising. I had prepared my paper on social insurance, and when I got down to Vancouver I approached a member of the Labour party and suggested to him that I had a good program and was prepared to put up my own expenses. I pointed out the benefit of legislation of this character to every working man and woman. I had been specializing on it and suggested to the member of the Labour party that his supporters throw in their lot with me; that we would all plug for this social legislation. If we did that there was the possibility of a Labour government being elected in British Columbia.

By the Chairman:

Q. I am sorry but I do not think that has anything to do with the Dominion Elections Act and that you are taking up the time of the committee. If you have any other point state it.—A. Would you allow me to finish this point. The result was that the statement which was made in Calgary East followed me throughout the campaign in British Columbia, and put me out of business altogether.

By Mr. Kennedy:

Q. Would you have been elected had it not been for that statement?—A. Let me tell you that I believe the platform I had would have swung the seat in spite of the fact that I am an independent.

Witness retired.

The CHAIRMAN: I understand from the clerk that Colonel Biggar has prepared instructions for returning officers and that they are being printed.

Mr. CASTONGUAY: I expect to get them Monday next, the book also contains a consolidation of the Elections Act.

The CHAIRMAN: The clerk should put a copy in the hands of each member of the committee as soon as possible.

The Chairman stated Mr. Francis King, K.C., Secretary of the Dominion Marine Association, and Mr. Castonguay would be available as witnesses at the next sitting of the committee.

The committee adjourned until Wednesday, March 26, at 10.30 a.m.

APPENDIX

THE BLIND ELECTOR AND ELECTION ACT OF CANADA

Any British subject over the age of twenty-one years with the requisite qualifications is entitled to vote in any Parliamentary election in Canada.

"The Election Act" of Canada in part provides the procedure Blind electors have to follow to record their votes. The deputy returning officer, on the application of any voter who is incapacitated by blindness, following certain procedure laid down in the presence of the sworn agents of the candidates, must mark the ballot according to direction of blind voter and deposit same in the ballot box.

This method in its application has given cause for complaint. The secrecy of the vote is not secured. The procedure as laid down is not always followed. Even if the procedure were followed, it does not allow for the largest measure of secrecy that otherwise can be obtained. Absolute secrecy is the measure of protection electors obtain under the law. Any lesser degree of secrecy would lend itself to abuse and our present system of balloting would collapse.

It is nobody's business how an elector marks his ballot. He is answerable to no man. The secret ballot is the method the law provides to give effect to this principle.

The handicap of blindness does not deprive a citizen of any rights. In fact an effort is made to preserve such rights. On the other hand, this effort by reason of its application and failure to provide adequate security to obtain the secrecy of the ballot, has given rise to suspicion and doubt.

The handicap of blindness makes it necessary for a second person to be present to assist in the marking of the ballot paper. It also follows the second person should enjoy the confidence of the blind elector, who in turn should enjoy a freedom of mind from suspicion or doubt. This state of mind can only be obtained by personal knowledge and confidence in the second person. The importance of this is established by the fact that a blind elector must feel as safe as he can reasonably expect to be because of blindness, that his *will* and direction is implicity obeyed.

As the law stands the blind elector has no choice as to who the second person shall be. As a matter of expediency he must submit his ballot paper to be marked by the deputy returning officer in the presence of others who by virtue of their oath of secrecy are expected to be the keepers of the blind man's conscience.

An examination of the law and its application discloses why dissatisfaction exists. It is known the present situation is so intolerable to certain blind electors that, as a matter of conscience and principle, they steadfastly refuse to vote.

It is not desirable or advisable in the interests of society generally that any law which is a general law for all the people, shall have the effect in its operation to become so intolerable as to cause abandonment of important civil and constitutional rights by any member or group of members of the community, who, in the matter of personal freedom and right, are entitled to enjoy equal, or as near to equal rights as in the nature of things they are able to, as the remainder of the community.

Our system of balloting must be protected. As a matter of public interest we not only have to safeguard from fraud, imposition or irregularity, but at the same time to retain the equality of the system as it was intended to be laid down by the law in its relation to all classes and members of the community.

There is a definite feeling, in view of the dissatisfaction that exists in the relation of election laws to blind electors, that the Election Act of Canada be amended in such a way as will give peace of mind to blind electors in the matter of secrecy of the ballot, and at the same time to protect the public interest, so that the amended Act will not lend itself to corruption, abuse or improper practice.

ELECTION ACT CANADA

The Election Act of Canada R.S.C. 1927 cap. 53. sec. 63. s.s. 10 reads as follows:

> The deputy returning officer on the application of any voter, who is unable to read or is incapacitated by blindness or other physical cause from voting in the manner prescribed by this Act, shall require the voter making such application to make out form No. 38 of his incapacity to vote without assistance, and thereafter to assist such voter by marking his ballot paper in the manner directed by such voter in the presence of the sworn agents of the candidates or of the sworn electors, representing the candidates in the polling station, and of no other person, and place such ballot in the ballot box.

The law is perfectly clear on the point who shall assist the blind voter to mark the ballot paper and who shall be present to witness the actual operation of the marking of the ballot paper. The law is silent on the point of how secrecy is to be secured; no mention is made of the privacy of a polling booth, nor is the deputy returning officer obligated to clear polling station.

The application of the law by the deputy returning officers varies according to their knowledge of the law. It very often happens that the deputy returning officer is acting for the first time, and it is a case of the blind elector doing the leading. Sometimes the Act is looked up, at times it is not. A great deal depends upon whether voting is brisk or not, as to the degree of care exercised in recording the vote. We have no record of where the law was implicitly obeyed. Election laws in Canada are so similar that a case in point might be cited. The time was 1st January, 1930. The place, Toronto. Municipal elections were being held. Mr. "A" entered the polling station in the morning, voting was not brisk. Theh deputy returning officer looked up the Act and tried to follow the procedure laid down. Three candidates were running for Mayor, six or seven for the Board of control, several were seeking aldermanic honours, and a money by-law to be voted on. No agents of the candidates were present or available. The only person present was the poll clerk. Mr. "A" was led to a polling booth by the deputy returning officer who decided the poll clerk could not act as a witness, and read in a very audible voice the names of the candidates for each office. Mr. "A" indicated who he wanted to vote for and presumably his wishes were followed.

Mr. "A" in discussing the incident later said, " I have no reason to believe that the deputy returning officer did not follow my directions; he was courteous and careful. In fact I would say that my directions were followed." He does not know when the vote was being recorded whether anyone entered the polling station. He thinks there ought to be some other means of making sure that his vote was properly recorded. In fact he says the deputy returning officer tried to follow the act and did the best he could under the circumstances.

Enquiries establish there is much confusion as a rule. There is no record of the sworn agents of the candidates being present, when the deputy returning officer was recording the vote. It very often happens two men are called in to witness the marking of the ballot paper; but the voter is not informed if the witnesses have been sworn, nor is he informed as to their identity. No general rule is followed; very often the vote is recorded on the deputy returning officer's desk. There is no record of a polling station being cleared.

Whilst the general intention of the act places an obligation upon the D.R.O. to secure the secrecy of the ballot nevertheless he often knows that he cannot follow the procedure as laid down, and rather than take the consequences of refusing to record the vote, as a matter of expediency he does the best he can.

There is no intention to reflect upon the integrity of deputy returning officers; but the procedure followed in many cases lends itself to abuse, and the blind voter does not obtain any semblance of a secret vote. Many blind electors abstain from voting rather than become a semi-sort of a public exhibition. In some communities where party feeling runs high the danger of open voting is not hard to see. Business and prestige may suffer, a form of sabotage may even be resorted to. To obtain evidence of the violation of the oath of secrecy might prove a very difficult matter. Then who is going to do it, especially if the case in point is one where a number of persons were present outside of the sworn election officials.

The fact that each D.R.O. is supplied with a copy of the election act, sworn to secrecy, and liable to punishment of improper practice or violation of the oath of secrecy, is the theory upon which is founded the belief the letter of the law will be carried out and secrecy assured. What actually happens in practice is a matter of record.

Election Laws

In Great Britain the Ballot Act, 1872, lays down in part that blind electors are to be assisted in the preparation of the ballot paper and the procedure to be followed.

The Election Act of Canada is patterned after the Imperial Act; practically the same words are used. The Provinces in turn follow the Federal Act, the only difference being, who shall be present at the actual marking of the ballot paper. The principle is the same.

The secret form of balloting is of Australian origin. The Election and Ballot laws of the Commonwealth in respect to the procedure to be followed by blind electors when voting is very much the same as in Canada, except that the privacy of a polling booth is specifically mentioned.

The Election laws of the United States may be divided into two classes. In thirty-five of the states election officials assist the blind voter. The remaining thirteen states provision is made to allow a relative or any qualified elector to assist the blind voter in the polling booth. Among the latter states are New York, Massachusetts, Ohio, Pennsylvania and Wisconsin. In the state of New York the choice is restricted to a member of the blind voters immediate family. The state of Ohio the choice lies between election officials and a relative, after the latter has bound himself to secrecy, etc. The state of Massachusetts the choice may be any duly qualified elector.

Comparative Election Laws

The secret balloting system is in vogue in each of the countries reviewed. In Australia they have both compulsory and alternative voting laws. In some of the provinces of Canada alternative voting is in force. The election laws in respect to the blind are very similar in each country; election officials in most cases assist the blind voter, except in certain states of the American Union, a relative or any qualified elector may assist.

A comparison made of the Election Act of Canada and election laws of New York, Ohio and Massachusetts reveals the following:—

Firstly:—Canada.

(*a*) The Election Act of Canada makes provision for the blind voter to be assisted by the D.R.O. who shall mark the ballot paper in the presence of the sworn agents of the candidates and deposit same in the ballot box.

(*b*) That deputy returning officers and agents of the candidates are sworn to secrecy.
(*c*) That deputy returning officers are not obligated to clear the polling station when the blind voter's ballot paper is being prepared, nor is there any mention made of the privacy of a polling booth.
(*d*) To carry out the general intention of the act the D.R.O. should take all precautions to secure the secrecy of the ballot.
(*e*) That election officials are liable to punishment for improper practices.

Secondly:—

(*a*) The State of New York makes provision for a relative to assist a blind voter, instead of election officials.
(*b*) The State of Ohio makes provision for election officials or a near relative to assist a blind voter, and must subscribe to an oath of identity and that he will abide by the provisions of the law.
(*c*) The State of Massachusetts makes provision for any qualified elector to assist a blind voter.
(*d*) The privacy of a ballot booth is afforded in each instance.
(*e*) That election officials and sighted assistants are liable to punishment for improper practice.

Political Status of Blind Persons

The political status of blind men and women in various countries is a matter which hitherto has attracted very little attention. Other phases of the work for the blind have expanded enormously since the Great War, as is the case in Canada. Practically nothing has been done to make the average blind person realize his importance and responsibility as a citizen of the country in which he lives. Great Britain, a leader in social and political legislation, is no exception to the rule. In Australia and South Africa, the work for the blind is in its infancy; in New Zealand progress is being maintained.

It is very true, many blind persons have occupied and continue to fill very important positions. An outstanding example is the rehabilitation work of the late Sir Arthur Pearson. His work for blinded soldiers stands as a monument for all time.

Blinded soldiers in different parts of the Empire, together with civil blind, have raised the question; largely arising out of election experiences, "Why cannot a relative or friend go with me to vote?" Many of these men have voted as sighted electors and have experienced the privacy and secrecy of voting. They have also experienced voting with the assistance of election officials. They entertain great doubt if the way they have voted is only a matter between election officials and themselves. Then again, these men, because of party connection, may have reason to remember for whom they voted.

In England the question was put to the Home Office officials. The only real difficulty seemed to be if a new rule was introduced which enabled a blind man to go with a relative or friend to vote, then you might get cases in which persons who pretended to be friends of the blind person might take them to the poll, and while pretending to make crosses against the candidates chosen by the blind person, in fact put the crosses against the other candidates. There would be no check of this, and accordingly the procedure would be open to abuse.

A similar difficulty would naturally present itself in Canada. We are not familiar with the conditions in England in respect to the application of procedure. No doubt the presiding officers have great respect for the law and its effect, and carry out their duties with a proper sense of responsibility and secrecy.

Hereinbefore reference was made to the experience of blind electors in the casting of their ballots. There is ample evidence that by virtue of the opera-

tion of election law in Canada, in respect to the blind electorate, that the present system may lend itself to abuse; the law itself is not applied. As a result, in some cases blind electors refuse to exercise their franchise.

There is an awakening process taking place in respect to the blind of Canada. We no longer condemn them to feeling that they are superfluous. Their mental powers and industry are being brought into play. Many resent the idea of dependence and are earning their own livelihood by their brains and hands. The importance of all this lies in the fact that instead of the state supporting them they are actually restoring man power to the state.

Blind people are not segregated. They live like the rest of the community. Their ideals are similar to the rest of respectable society. They wish to carry out their duties in respect to the common good without fuss or complaint. Their political status is a matter of importance to them, they feel the provisions of the Ballot Act of 1872 was to meet a condition at that time, and that the time has arrived, by virtue of their industry, education and independence, to request that their political status be raised.

Suggested Election Procedure

Deputy returning officers very often try to follow procedure laid down in respect to blind electors voting, but are called upon to make decisions which are very often outside their province, in an effort to do the next best thing. The provisions of the law do not lend themselves to easy application. In many cases the process blind electors have to submit to, is the very next thing to open voting. There is a feeling of humiliation about the whole business. How long this sort of thing would be tolerated by any other cross section of society is not open to much doubt. As long as everything was running along without complaint no one has been in a position to disclose the true situation. How this can be remedied is largely a question, what is the best and safest policy to follow.

Let us suppose the act read that a blind person may have the assistance of a relative or friend in the polling booth. The Home office in England expressed the opinion that there would be no check on the marksman. This is perfectly true. Apparently it is a case of protecting the blind elector from the effect of his own actions. An examination of this does not disclose any real danger from this theory.

In the first place, is it likely that a blind elector would choose a relative or friend whom he had no confidence in?

In the second place, is it likely that a blind elector would choose a relative or friend whose expressed views were opposite to his? Let us suppose that he did; would it be likely that nearly all of the marksmen would deliberately cheat? This can only be answered by the statement that for the most part our people are morally decent and have distinct ideas on what is right or wrong.

It is conceivable that there might be some relative or friend who was so partisan as to place the cross against the name of candidates other than the blind person's choice. Now whose thanks would he earn? Not the thanks of his party or the candidate. They know that exposure of such a thing would be ruinous in its effect.

Let us suppose the act provided before assistance was given to a blind voter that the relative or friend had to subscribe to an oath, that he would faithfully follow the directions of the voter, that he was bound to secrecy, and that he had not assisted any other blind voter.

Would not these provisions give effect to lessen to a minimum the danger of abuse? It even removes to a large degree the danger of some casual friend of a blind voter taking advantage to steal a vote for some candidate he might have a personal interest in. The possibility of some candidate trying to

collarate all the blind votes in a constituency by using the friend to be the marksman is a remote one. The danger from this source is immeasurably less than the present danger in collecting the foreign vote in some of our constituencies.

The proportion of blind persons to the civil population is one in every 1,450. No result of any election is likely to be influenced one way or another even if every one of the blind electors' votes was stolen. In the event of 10 per cent being falsely marked that would make one in 15,000, five per cent, would make one in 30,000. In many constituencies only between three and ten blind electors reside. Every one of these people is well known and any interference with his vote would soon become public property. The danger of abuse is not great.

On the other hand the mental state of the blind voter is one of confidence and security. In the event of betrayal, who is going to tell him? It's a locked secret. The secrecy of the ballot which is just as important to him as to any other member of the community lies between two persons only, himself and his choice of marksman, as against under the present system of three or more according to the number of candidates, none of whom is his own choice. Nor would the way he voted entail the risk of almost open balloting, as is so often the case under the present application of procedure.

Form of Legislation

A short but comprehensive review has been made of election laws in the countries and states that are considered dependable.

Examination has been made of the effect of election procedure, together with observations in respect to an alternative system of voting.

Opinion is very strong among the thinking blind electorate that control of the persons who are to be the keepers of their conscience should rest with them as long as the public interest can be adequately safeguarded. The officers of the Canadian National Institute for the Blind, who have been in a position to observe the growth of sentiment in this direction for some time, hold to the view that the State should lend the force of law to the raising of the political status of blind electors, the effect of which would react considerably on the general public conception of the capabilities of the blind, in this way raising their status in the estimation of the public generally.

After taking all points under consideration as to the form legislation should follow, keeping in mind the general intention of the act, the effect of any change in the law, together with a procedure that would be free from confusion and which would lend itself to easy operation, it is suggested that the present section of the act should stand, and any amendment should be of an alternative nature.

The reasons for this being, that the blind are at present grouped with illiterates and those with a physical condition needing assistance. In the case of these latter groups the blind are in no position to speak for them, and the section would continue to operate as heretofore; also affording to any blind person who might have some difficulty in having a relative or friend available at the time, to utilize this section if he so desired.

Several principles would have to be laid down in respect to the amendment:—

(*a*) The blind must subscribe to the oath as in form 38.

(*b*) That a relative or friend as sighted assistant.

(*c*) That sighted assistants subscribe to a form of oath providing against betrayal and for secrecy.

(*d*) That sighted assistants assist only one blind elector in any one election.

(*e*) The privacy of a polling booth to be afforded.

Once these changes in the law become general knowledge among the blind electorate, many who did not care to vote because of approach necessary requiring the assistance of strangers, and public exhibition entailed thereby, will avail themselves of their civil rights. The present discontent will be removed, and blind citizens will feel as safe as they can reasonably expect to, in the belief that their will is being obeyed and able to enjoy a feeling of security which can only come through personal knowledge and friendship.

AMENDMENT

When a voter who is incapacitated by blindness has subscribed to form 38, may have the assistance of a relative or friend, as he or she may select, and of no other person, except as when voting within the meaning of the section preceding. Such sighted assistant shall accompany the blind voter to the polling booth, and mark the ballot paper as directed by such voter. Such sighted assistant may only act for one blind voter in any one election, and before entering the polling booth shall subscribe to the oath following:—

"I swear (or affirm) that I am well acquainted with Jonh Doe who is incapacitated by blindness.

That I will faithfully mark his or her ballot paper as directed by the said John Doe.

That I will not divulge the name of any candidate voted for.

That I have not this day assisted any other blind voter.

"So help me God."

THE COMMONWEALTH OF AUSTRALIA ELECTION ACT 1918-1928

Page 35:

Assistance to certain voters. Substituted by No. 17, 1928, s. 19.

Section 120:—(1) If any voter satisfies the presiding officer that his sight is so impaired or that he is so physically incapacitated that he is unable to vote without assistance, the presiding officer shall permit a person appointed by the voter to enter an unoccupied compartment of the booth with the voter, and mark, fold, and deposit the voter's ballot paper for him.

(2) If any voter fails to appoint a person in pursuance of the last preceding sub-section or if any voter satisfies the presiding officer that he is so illiterate that he is unable to vote without assistance, the presiding officer, in the presence of such scrutineers as are present, or, if there be no scrutineers present, then in the presence of:—

(*a*) the poll clerk; or

(*b*) if the voter so desires, in the presence of a person appointed by such voter, instead of the poll clerk; shall mark, fold, and deposit his ballot paper for him.

SESSION 1929

HOUSE OF COMMONS

MINUTES OF PROCEEDINGS AND EVIDENCE

OF THE

SPECIAL COMMITTEE

ON

DOMINION ELECTIONS ACT AND CORRUPT PRACTICES INQUIRIES ACT

No. 2

Friday, March 8, 1929

WITNESS:

O. M. Biggar, K.C.

Appendix of Proposed Amendments to the Act.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1929

MINUTES OF PROCEDURE

HOUSE OF COMMONS,

FRIDAY, March 8, 1929.

The Committee came to order at 4 o'clock in the afternoon, Mr. Power presiding.

Members present: Messrs.. Anderson (Toronto-High Park), Bird, Black (Yukon), Bothwell, Boys, Dussault, Girouard, Hanson, Kellner, Kennedy, Ladner, Laflamme, McPherson, Power, St-Père, Totzke.

Mr. Jules Castonguay, Chief Electoral Officer, attended and filed a proposed amendment to section 21, Returning Officer, also a statement of permanent provincial officers who acted as returning officers at the General Elections of 1900 to 1926, inclusive. (See Appendix hereto.)

Mr. O. M. Biggar appeared before the Committee and gave evidence covering the recommendations contained in his several reports as Chief Electoral Officer, dealing more particularly with the subjects of Permanent or Closed Lists and Appointment of Returning Officers.

It was decided that the next meeting of the Committee would be largely devoted to a consideration of the subject of Closed Lists.

The Committee then adjourned till Tuesday, March 12th, at 4 o'clock.

A. A. FRASER,
Clerk of Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,

FRIDAY, March 8, 1929.

The Special Committee appointed to consider the Dominion Elections Act met at 4 o'clock p.m., the Chairman, C. G. Power, presiding.

O. M. BIGGAR, K.C., called.

By the Chairman:

Q. You are a barrister practising in the city?—A. Yes.

Q. And you were for a number of years the Chief Electoral Officer?—A. From 1920 to 1927.

Q. During that time you had occasion to study the workings and the administration of the Dominion Elections Act?—A. Very closely.

Q. And also to make reports, under section 72?—A. Yes, sir.

Q. To the Speaker of the House?—A. Yes, sir.

Q. Will you tell the Committee, generally, what was contained in those reports, and make any suggestion you care in regard to improving the workings of the Act?—A. Mr. Chairman and gentlemen: the last report I made was that following the general election of 1926. That was dated December first of that year, and it incorporated the suggestions which had been made in previous reports and which had not been acted upon, so that the report carried my knowledge of the election administration and election machinery up to two or three months before I ceased to be Chief Electoral Officer. I have really nothing to add to what is in that report. The only general remark which I have to make with regard to the contents of the report is to repeat the view I have always held that an electoral machine that is well understood by everybody, candidates and public, is likely to work very much more efficiently than a perfect machine which nobody understands. You may theorize about election machinery as much as you like, but it is the practical thing which has to be carried on by, roughly speaking, one hundred thousand people. There are approximately that number of people directly engaged in the public service, and, of course, there are probably 150,000 or 200,000 more who are working at elections and consequently are interested in the machinery.

By Mr. Kennedy:

Q. What do you mean by "a perfect machine which nobody understands"?—A. You can work out a machine, but very generally each one has its disadvantages as well as its advantages.

The general subjects are covered in my report in paragraphs 8 and 9 chiefly, and are in regard to the situation concerning lists. I might deal with these general subjects first and then come to the particular proposals which I have made. I did not suggest any specific action with regard to lists, but I did point out some of the general considerations which apply to the present machinery for preparing lists, and one may say, by way of preface, that really the lists exist, not for the sake of the election machinery as such, but for the sake of the candidates. If it were simply a question of giving facilities for everybody to vote, then you would not need any lists. The reason you need

lists is to exclude from voting the people who are not entitled to vote and whom the candidates are interested in seeing do not get an opportunity to cast a vote. In my report of 1925, I think it was, I pointed out that it was impossible to avoid mistakes with the present machinery. You begin to prepare lists containing approximately over four million names in a period of six weeks, and you cannot hope to have it accurate. You pick up, roughly speaking, sixty thousand or seventy thousand people throughout the country for the purpose of preparing lists, and even presuming that every one of those individuals was intelligent as possible, and as careful as possible, there would be bound to be mistakes. Having regard to the way that you must recruit your forces, you cannot possibly hope to have lists prepared, under our present laws, which are either complete or accurate. They serve as a guide, and they are useful within limits, but it is perfectly futile really to quarrel with errors in them, because with the present system of preparation, errors are absolutely inevitable.

By Mr. Kellner:

Q. If we accept that statement, should we not have to accept any list that is given?—A. No. What I have in my mind is this: that the present system, many advantages though it may have, has this disadvantage, that there is no feasible way of preparing a complete list for the whole country in six weeks or so. We cannot hope to have an accurate machine. I am convinced of that. The time is not available to prepare an accurate list for the whole country—the time is too short.

By Mr. Hanson:

Q. Do you suggest that that is the only factor?—A. No. There are a great many factors which go to make for errors in lists, but there are two things which really affect the correctness of the lists as we have them. One is the hurry, and one is that you are employing for the purpose of preparing those lists, roughly speaking, sixty thousand people selected for purely temporary employment from one end of the country to the other, and you cannot get these people trained in time, even if otherwise they were perfectly adapted to their jobs.

Q. Take the rural registration: that presupposes the people are changed every election. As a matter of fact that is not really the case. With us there is continuity.—A. That is the reason why there has been less trouble in each general election since 1920, when this Act came into force. There has been a considerable change in the direction of the machine working more smoothly on each occasion, and I attribute that very largely to the increased knowledge of the people who are appointed to work at these elections.

Q. Of course, it is a different basis in each province? For instance, we have a provincial list which is revised every year. That is the basis of our lists in New Brunswick, and it has worked very well in a non-partisan way.—A. Yes. As a matter of fact that was really the next point I was coming to. I was about to refer to what was in that report on this subject after describing the different way in which lists might be prepared, which we need not trouble about now. The report goes on to say this:—

> Our present Dominion system may be said to be a combination of all four plans. In the Provincees of Nova Scotia, New Brunswick, Quebec and Ontario lists are prepared for provincial purposes periodically by administrative officers. In British Columbia facilities for the registration of voters are continuously available and the lists are periodically revised. In Manitoba, Saskatchewan and Alberta provincial lists are prepared only in anticipation of an immediate election, some

of them being prepared on the administrative and some on the registration plan. In the Province of Prince Edward Island there are never any provincial lists. The Dominion system is founded upon the separate systems of the nine different provinces and itself combines both the administrative and registration features, rural registrars being required to include in their lists the names of all qualified voters without any intervention on the part of the latter, and urban registrars being restricted to recording-registrations based either on the provincial lists, if any, or upon applications made by or on behalf of the voters concerned.

By Mr. Kellner:

Q. I would like to have some information about that. Last year we asked for a copy of the '25 report.

The CHAIRMAN: The 1926 report.

The WITNESS: This is 1926 I have before me, but this part of it was in the 1925 report.

Paragraph No. 12 says:—

12. This combination of systems has certain definite advantages of elasticity. Dominion lists are everywhere prepared during the election itself, when public interest is at its maximum and it is hardly possible for any voter to be unaware of the approach of an opportunity of exercising his franchise or of the wisdom of making sure that he will be entitled to vote where he happens to be. It is, moreover, possible to most temporary and local conditions, almost, one might say, to chase the voter with a ballot box, and a tendency to press for action in this direction is to be frequently observed. These advantages have, however, counterbalancing disadvantages. Prepared as the lists are within a few weeks before the election by officers sometimes selected on party grounds and therefore suspected by their party opponents, ordinary errors are attributed to bad faith and misfeasance. Moreover, the haste with which the lists must be prepared is a frequent cause of mistakes, and the completed lists do not reach the candidates who desire to use them until so short a time before polling day that their value in the organization of the electoral district is at a minimum. The very elasticity of the system which permits the establishment of fresh polling divisions up to hardly more than a few days before polling day, makes the pre-election organization of an electoral district a very difficult task, especially when no trustworthy or recent provincial lists are available for the purpose.

Then in the report itself the subject is referred to in paragraphs 8, 9 and 10. After a reference to this appendix, from which I have just read, it goes on in the second sentence of paragraph 8 of the report proper to say:—

It may be open to question whether the advantages of the present system counterbalance its heavy cost and the inconvenience attendant upon it. There is no doubt that by an expenditure of less than $250,000 a year up to date lists having a high degree of accuracy could be continuously kept available, and the cost of the poll itself could at the same time be substantially reduced. A reduction by half of the length of the campaign would doubtless also do much to relieve the burden the present system places upon candidates. These results could probably, however, be secured only at the sacrifice of some of the elasticity which the present system possesses.

9. One reason for the unsatisfactory character of the lists prepared under the present system is the defectiveness of the provincial lists upon which, when available, the statute requires federal lists to be based. In rural areas, where accurate lists are, comparatively speaking, of small importance, the statutory procedure for their preparation results in the production of lists having a fair degree of accuracy, whether provincial lists are used or not; in urban areas, on the other hand, and particularly in large cities where, if personation and fraudulent voting are to be prevented, voters lists should be as nearly as possible complete and free from error, the lists based upon the provincial lists are inaccurate to a serious degree. This is well exemplified by a comparison of the results in the cities of Winnipeg, Montreal and Toronto. In Winnipeg, where, at the last two general elections, no provincial lists have been available for use and every voter has been required to register, the proportion of voters on the list who actually cast their votes was 84 per cent in 1925 and 82 per cent in 1926. In Montreal, where the provincial lists include only the names of men, but women must all register, the percentage of listed voters who voted was 73 per cent in 1925 and 70 per cent in 1926.

By Mr. Hanson:

Q. Do you attribute that to the state of the lists?—A. Partly, not wholly.

By the Chairman:

Q. When you find in a small constituency like my own, a list with some fifteen thousand people, with two thousand of them on twice, would that not decrease the number who could vote?—A. Yes (reading):—

In Toronto, where the provincial lists purport to include the names of both men and women, the percentages for the respective elections were only 58 per cent and 47 per cent. It is difficult to explain why 16 per cent to 18 per cent of voters who take the trouble to register should abstain from casting their votes, and some increase in the percentage of abstention might reasonably be expected when any names are included in the lists without the active intervention of the voters themselves. Moreover, the comparative intensity of the public interest in the result may in part account for the differences between the three cities. It may, however, fairly be inferred that at least 15 per cent of the names on the Toronto lists represent persons who are either not qualified to vote at a Dominion election or are not resident at the addresses which the lists give for them. A similar condition prevails in different degrees in all urban areas in which provincial lists are resorted to. The value of the resulting federal lists is thus reduced, and unnecessary expense is incurred for the printing of names which the lists should not contain.

Q. Did you ever make any study or think of what would be the percentage of changes in addresses in urban areas within a year?—A. I made a good many inquiries at one time from the directory companies and from some other sources—I have forgotten what they were; but I rather came to the conclusion that in the urban areas you could put down about thirty per cent as representing a fair average of changes per annum in addresses.

By Mr. Hanson:

Q. In cities big and little?—A. I meant in the larger cities.

Q. It would not be true in the smaller communities?—A. No.

By the Chairman:

Q. Running from one hundred thousand up?—A. Yes. That was the class of cities with which I concerned myself.

Q. So that a list two years' old would have almost sixty-five per cent of changes within the two years?—A. I think that would not be far out.

By Mr. Black (Yukon):

Q. Part of the same thirty per cent might change twice?—A. Yes. I anticipated that sometime there might be an inquiry to ascertain whether there was any possible alternative system, and while I was Chief Electoral Officer, between the years 1923 and 1926, I made a study of possible alternatives, and I came to the conclusion that the most satisfactory alternative—which is not free from disadvantages—would be to have a complete list of all the voters maintained at Ottawa, using the post offices throughout the country as registry offices, open three hundred days in the year, and then my general idea was to give people who moved a six months' opportunity to register their changes of addresses. That is to say, that if they wanted to vote on a given list in a given polling division, they must have lived at that address in the polling division, which the list gave them, within six months of the election. Of course, that system is beautiful on a theoretical basis. It is inexpensive; it provides information which would be of very high value to a large number of governmental departments, and it has other corresponding theoretical advantages of that kind. It has, particularly having regard to the training of people in Canada, a very considerable disadvantage in that until the system had been in force for some little time there would probably be found to be a very large number—I do not say "a large proportion," because it is impossible to say what the proportion would be—but a very large number of people who were accustomed to have their names put on voters' lists without any intervention on their part and who would find themselves on election day on no list and therefore not able to vote, because it depends for its utility on having a closed system, as at the time the writs are issued, the lists are closed.

By Mr. Hanson:

Q. With the extension of the rural mail service and the closing of a large number of rural post offices and the sending out of the mail from incorporated towns—take the city of Fredericton: we have rural mail deliveries radiating to every point of the compass. It would be difficult to get lists made up in that way.—A. I provided for that in the scheme I laid out, because the postmasters could nominate persons, and my idea was that the rural mail postmasters themselves should have power to take these applications.

By Mr. Kennedy:

Q. Why should you, even with this system of permanent lists, cut off the registration on the day the writ was issued? Could you not provide registry offices?—A. Not usefully. The real utility of the list is that the candidates in the constituencies should know what they have to know. I mean that the present lists are satisfactory enough if you are going to work out your lists during the election campaign.

Q. Who should keep these lists up?—A. The arrangement I had in mind was an organization here to whom the applications would come in.

Q. An organization in the hands of the Chief Electoral Officer?—A. I do not know whether that is his function or not.

Q. Supposing we made that a function of the Chief Electoral Officer? If your officers were selected without regard to political persuasion, could we not depend on keeping the lists up?—A. I do not think there would be the

slightest difficulty in the world with these lists so far as they contained the names of people. The only quarrel with that kind of a list would be that people would not take the trouble to get themselves on it.

Q. Would it be absolutely essential that each individual voter should look after himself in that regard?—A. Yes, it would be essential because you never see the voter. If you take applications from anybody, you would find that list loaded up with non-existent people.

Q. That might hold in the cities, but I do not see why it would hold good in the country where everybody practically is known to everybody else.—A. There was one possibility suggested which again presents some additional disadvantages and some additional advantages. The real difficulty with the present system is only in the cities, and really only in the large cities. I think the system works to the general satisfaction of the rural areas where the population does not change quickly. It is entirely satisfactory, I know, in the west—

Q. Not entirely.—A. In the rural areas.

Q. With one or two striking exceptions.—A. I know there have been exceptions. That was a circumstance which I hope can be remedied by adopting the proposal to which I am coming. It is a subject upon which Mr. Castonguay has already presented a draft proposal. The trouble you refer to was misfortune in the appointment of the election officer.

By Mr. McPherson:

Q. I hardly think you are correct in saying it is satisfactory in the country. You may not have received any complaints, but there is one big drawback in the west, and that is that the lists were not available until election day.—A. That is practically true. That is always a trouble, and it is inevitable; you cannot help it. Under the present system the registration work is not over until the ninth day before the polling day, but even then the lists are not closed, and they are satisfactory because nobody cares much whether there is a list or not.

By Mr. Hanson:

Q. If the nominations were made two weeks before the polling, and a provision made that the lists should be in by registration day, would that help us any?

By Mr. Boys:

Q. Colonel Biggar, from your experience do you really believe that your suggestion regarding the closed lists would be preferable to the plan outlined in the Act?—A. I am sure it would prevent a great deal of quarreling with the present machinery in the cities.

Q. Supposing it was left entirely to you; do you really believe that you could bring into force a closed list?—A. In the cities? I think so.

By the Chairman:

Q. You are so sure about the country?—A. No, I do not think the public is ready for that.

By Mr. Boys:

Q. Do you mean large cities, or urban centres with a population of five thousand or so?—A. I think you would have to make a selection. That is to say, you would have lists of that kind in those cities where there was a considerable movement of population. That means very large cities, and some comparatively small ones, where people do not know each other. That is what it would amount to.

Q. It seems to me that I can foresee a lot of trouble throughout the country in connection with the use of rural postmasters and mail carriers. That does not appeal to me at the present time.

The CHAIRMAN: By "large cities" you mean cities of fifty thousand, sixty thousand or one hundred thousand population.

The WITNESS: Or perhaps some which are smaller.

By the Chairman:

Q. Growing cities in the west?—A. Yes.

By Mr. Kellner:

Q. To revert to that statement about the satisfaction with the present method: I have before me a return from the House which contains a letter which I wrote to Colonel Biggar at the time he was Chief Electoral Officer, dated the 29th of March, 1926, and I gave him a record of over one hundred lists of which I did not have a list in the election held October 29, 1925. Manifestly the list would not be any good to the candidate at that time, so I think it is rather absurd to say that to that extent the present system was satisfactory? —A. As I say, I think the quarrel is not so much with the system as with the individuals who were working it. If you get an unsatisfactory individual working any system, it will always be unsatisfactory.

By Mr. Hanson:

Q. The personal element of a system such as this is of primary importance? —A. Yes. As a matter of fact, that was the next suggestion I was going to make. That was the next one dealt with in my report.

By Mr. Kennedy:

Q. The other day we heard something about the voting. If we had compulsory registration, would that meet the difficulty?—A. It probably would. At all events it would, apart from removals. As a matter of fact, I think it is intimately connected with compulsory voting, because I do not think that is open to be considered until you have a complete list.

By the Chairman:

Q. If you had a permanent list it would be easy to drop off that list the names of persons who could not vote?

By Mr. Boys:

Q. You cannot prosecute a man for not voting if he is not on the voters' list.

Mr. KENNEDY: You could compel everybody to register once a year.

By Mr. McPherson:

Q. In considering a closed list for the Dominion, could it be worked out on the basis of one complete registration throughout the Dominion in a certain year, the registration to be revised every year afterwards, and then drop the names off that list of those who had not voted at the previous election? Start with that, and then revise the list each year?—A. Yes, with constant revision afterwards.

By Mr. Hanson:

Q. In those countries where they have compulsory voting do they have compulsory registration?—A. I only know of Australia where compulsory voting is in effect and there they have compulsory registration—complete registration for the whole country.

By Mr. St. Père:

Q. How do they proceed to get this complete registration?—A. They have offices about the country where the registration takes place.

By Mr. Kellner:

Q. How is the compulsory registration carried out?—A. I am not quite sure how they work the compulsory registration. If a man does not vote he is really fined by the Chief Electoral Officer. The statutory fine is £2, but the actual fine, as I am informed by the Chief Electoral Officer for Australia, is two pounds and six pence.

By Mr. Kennedy:

Q. Is that in the report?—A. No. I never put forward this scheme in concrete form. As a matter of fact, while I was Chief Electoral Officer I reframed all the provisions of the Act so as to have in mind all of the possible alternatives.

By Mr. Totzke:

Q. I understood you to say that you did not think it feasible.—A. That is my view of this Dominion work. There is no possible way in which it could be satisfactory.

The CHAIRMAN: We will leave this matter open for discussion amongst the members of the Committee. What is the next question?

The WITNESS: The next question was the question of the appointment of the returning officers. I can say to the Committee, as it is contained in my report, that it is my experience that if you get a decent, honest returning officer, it makes no difference what his politics are, but what does make a difference—and it makes a difference to both sides of politics—is that it is essential that the returning officer should know his job. The difficulties I always had with returning officers,—aside from some individual circumstances of a special character—were with fellows who were asked to operate a complicated piece of machinery without knowing anything about it and who ran themselves into difficulties all the way along the line, and ran the candidates into difficulties. The more often a returning officer has acted, the better the election is conducted from everybody's point of view. The chief difficulty has been due to the constant change of returning officers.

By Mr. Kennedy:

Q. What has been the cause of that constant change?—A. That is developed in the first appendix to this report. It is simply a short history of the appointment of returning officers since confederation. It is rather short, and I will read it.

APPENDIX I

SUMMARY REVIEW OF THE STATUTORY PROVISIONS AFFECTING FROM TIME TO TIME THE APPOINTMENT AND DUTIES OF RETURNING OFFICERS

Under the British North America Act, 1867, section 42, the Governor General was empowered to issue a writ for the election of a member of the House of Commons to such returning officer in each electoral district as he thought fit, the person selected to conduct the election in accordance with the electoral law of the province in which lay the electoral district for which he was appointed. Under the first Dominion Elections Act, passed in 1874 (37 Vict. c. 9), the discretion thus given to the

Governor General was taken away, and it was provided that the writ should issue to the sheriff or registrar of deeds for the electoral district or a portion of it. The Governor General had accordingly power to choose the returning officer at his discretion only in a district in which there was no sheriff or registrar or the incumbents of these officers were disqualified or unable to act. The position in Canada was thus assimilated to that which then existed and has ever since existed in Great Britain, where the returning officer is always, *ex officio* the sheriff, the mayor or the chairman of the local municipal council. This new rule, however, continued in force in Canada only for eighteen years. In 1892, by 45 Vict. c. 3, s. 6, the Governor General was again given a discretion, whenever an election was required to be held in any electoral district, to select such person to act as returning officer as he thought fit, and this discretion he has continued ever since to exercise. If the change made in 1892 was not due to the redistribution of that year, that and successive redistributions have afforded grounds both for the grant and the persistence of the discretionary power.

Until, in 1925, the law was amended in the way to be later mentioned, this power fell to be exercised only on the occasion of the issue of the writ for an election, and it was accordingly inevitable, even apart from the fact that the returning officer had a casting vote in case of a tie, that appointments should, as a general rule, be made from among the political supporters of the Government of the day; in practice each returning officer no doubt was chosen usually on the recommendation of the person or persons by whom the local party patronage was controlled. Though there were exceptions to this general rule, particularly when officers appointed by the provincial government such as sheriffs or registrars were available to act and were willing to undertake the returning officer's duties, these were not numerous, and a secondary but very natural consequence of the established practice was that the returning officers selected their deputy returning officers from among their political friends, the names being no doubt often supplied from the same source as that from which the recommendation for the returning officer's own appointment had emanated. Again the general rule was subject to exceptions: in some electoral districts there grew up the practice of selecting half the deputies from each political party, this exceptional practice being no doubt usually confined to those electoral districts in which the returning officership itself was not looked upon as a party appointment. In most electoral districts, however, the political party in power had exclusive administrative control of the election.

In 1920 by 10-11 Geo. V. c. 46, a comprehensive Dominion-wide qualification for voters at federal elections was established and a new and somewhat complicated procedure was laid down for the preparation of Dominion lists in the interval between the issue of the writ of an election and the poll. A new duty in respect of the preparation of lists was thus imposed upon returning officers and without unduly prolonging the election campaign, little time could be allowed for the several steps in the procedure which had, therefore, to be taken under great pressure. In order so far as possible to ensure the efficient performance of this new work and the proper conduct of the poll, provision was made for the instruction of election officers by a Chief Electoral Officer, who was made responsible to Parliament instead of to the Government of the day. He was required to exercise "general direction and supervision over the administrative conduct of elections", with a view to ensuring both compliance with the provisions of the law and "the fairness and

impartiality of all election officers". It also became his duty to recommend the removal of any returning officer who was incompetent or neglected his duty.

Notwithstanding that as a result of the adoption of this new system the responsibilities of returning officers were greatly extended, and thenceforward included the appointment of registrars as well as of deputy returning officers, no restriction of the discretion returning officers had formerly exercised in the selection of their subordinates was suggested, nor was it at that time proposed that there should be any change in their tenure of office. In 1925, however, the law on the last point was amended, it being provided that returning officers, instead of being appointed only for the purpose of conducting a particular election, should hold office during pleasure like other servants of the Crown. The first returning officers appointed under the new provision were those who acted at the general election held later in 1925. When, nevertheless, a second general election was required to be held within less than twelve months, most of the appointments thus made were cancelled and new returning officers named instead of the original appointees. Any other course was hardly to be expected in the absence of any arangement about the casting vote or the choice of subordinate election officers.

I mean any government would be foolish, if the practice was to select political supporters, to go and direct two hundred and forty odd elections in any one or more of which there might be a tie, in which event the returning officer would cast his vote in favour of his party's candidate.

By Mr. Kennedy:

Q. Has it ever happened?—A. It has never happened.

Q. I do not believe the casting vote would have much to do with it.—A. No, but there is a possibility of it.

By Mr. McPherson:

Q. Are you suggesting taking away the right of the casting vote?—A. No. The proposal is contained in paragraph 10 of the report proper. It begins with the second sentence of paragraph 10.

There is, however, a change in practice which would, in my opinion, conduce much more greatly than any amendment of the statute to secure a marked and permanent improvement in the conduct of elections generally. This change relates to the actual as distinguished from the legal tenure of office of returning officers. Within five years there have been three general elections, but of the 241 returning officers who acted at the last, only 3 had acted at both the previous ones, and only 42 at either one or the other of them. The complications of the present election procedure makes the administration of an election a difficult and worrying duty on the first occasion on which it is undertaken. Moreover, the inexperience of a returning officer tends to give rise to misunderstandings and mistakes which constitute a serious handicap to candidates; usually also it increases quite unnecessarily the expense of the election administration. To make clear how and why the present practice has grown up, a historical review of the position of returning officers from time to time is appended (Appendix 1).

I do not think I need to bother with the next paragraph, but in paragraph 12 the subject is further dealt with.

12. These difficulties would largely disappear if it were understood that returning officers, by whatever administration appointed, should select subordinate election officers without regard to their political

affiliations, or, in other words, as nearly as may be in equal numbers from among the supporters of each of the principal political parties which may be expected to have candidates in the field. There would then remain no *prima facie* reason for suspecting an election officer of partiality, the justification which the present system affords for dismissing returning officers and appointing fresh ones in large numbers would no longer exist, the experience and knowledge of their districts gained by one set of returning officers would not be lost as it now generally is, and the conduct of elections would be put on a footing which would in the long run, be much more satisfactory to all concerned.

By the Chairman:

Q. How would you arrive at this Utopian scheme?—A. I do not think it presents any difficulties; it sounds much more Utopian than it is.

Q. Assuming we achieve a permanent returning officer of some kind, how would you arrive at the appointment of subordinate officers?—A. By a saw-off method; partly by the character of the man appointed deputy returning officer—

By Mr. Hanson:

Q. Has not the returning officer the absolute say about it?—A. Yes.

Q. You cannot dictate to him whom he is to appoint.

The CHAIRMAN: Unless you put it in the statutes.

The WITNESS: I would not suggest that you should make any hard and fast rule because I do not think it is wise. There should be an inquiry in each case. A hard and fast rule would be unreasonable. The way I would get at the same result would be to require the returning officer to be a public officer. I would list the public officers and from amongst those he should be chosen. I would like to go further and put these in the day in which they should be chosen. I would like to recommend the appointments to come, not from either party but from the Chief Electoral Officer and restrict his discretion to the appointment of public officers. I would put the sheriff first, then the registrar, and perhaps the prothonotary or the clerk of the court, the city clerk, and the city assessor—some public officers of that kind—so that you would not have more than perhaps a dozen election officers.

By Mr. Hanson:

Q. Let us analyse that a little further. In the province of Nova Scotia until recently—if it has not been changed—the sheriffs are appointed by the provincial government and may only be removed for malfeasance in office. In the province of New Brunswick they are appointed annually. They are not always changed with a change of government, but frequently they are, and nearly always the appointees are, in the case of death or of changes, appointed by the party in power for more or less political reasons. We will assume their fitness for the office. In the case of a sheriff you nearly always get a political appointee. In the case of Nova Scotia when the present government came in every sheriff was a Liberal, having been appointed within the past forty years, and the new government was powerless to remove them. In fact, they were defied to remove them when asked to do so. Conditions may have been changed since, but you certainly would not be improving conditions by appointing men of that type.—A. Not if you stop there, but you do not need to stop there.

Q. Then let us go on to the registrar of deeds. I think they hardly ever are removed from office at a change of government, but they die like everybody else, and almost invariably the new ones are recruited from members of the

provincial legislature or from the defeated candidates. That has happened four times in my county. One man was there for forty years; he was a stand-by; he died. His position was given to a defeated candidate; that man died, in turn—he was the man who opposed me in the election of 1921. His position was given to another man who also died, and upon his death the position went to another defeated candidate, a man who had run for the House of Commons more than three times. He died, and the man who had been a member of the legislature got the job.

The CHAIRMAN: But all of these men would have some knowledge of elections, although not sufficient to defeat you, Mr. Hanson.

The WITNESS: As a matter of fact, you will never be able to find a returning officer who has no political affiliations. If you have one, you have a fool, so to speak.

By Mr. Kennedy:

Q. The chief electoral officer is appointed by resolution of the House of Commons?—A. Yes.

Q. Why could he not be given authority to select the returning officers and their assistants in each province, if necessary, and let them be held responsible for the selection of the proper officers to run the election?—A. I would myself think it entirely proper to have the recommendations for the appointment of returning officers come from the Chief Electoral Officer. I would not think it advisable for the Chief Electoral Officer to be given unlimited discretion.

Q. Then what is the value of his recommendation?—A. Perhaps I had better explain what is in my mind. Such returning officers as go wrong now, go wrong because they think they have been given this duty in order that they may serve some political party purpose. You have knocked away four-fifths of the chances of that if you make the appointment come from the Chief Electoral Officer, because it is certainly then not a political party appointment. My reason for restricting the discretion, or suggesting the restriction of the discretion of the Chief Electoral Officer, is that he is sitting in an office here in Ottawa and it is impossible for him to know the individuals throughout the country.

By Mr. Hanson:

Q. That is a weakness?—A. That is the reason. You cannot get a perfect system. All you can do is to get one likely to work out, not only something better than the present system but something as nearly perfect as can reasonably be expected, and I think that if you gave the Chief Electoral Officer power to make that recommendation so as to make sure it was not a political recommendation, and at the same time restricted him to these public officers, you would in almost every case have proper service. There would be, however, cases in which there would be a doubt, and I would certainly give the Chief Electoral Officer in those cases the power to make a fresh recommendation in his discretion without proving any impropriety on the part of the returning officer he has recommended, so that the returning officers should know that they are solely in the hands of the Chief Electoral Officer, as far as the continuation of their appointment is concerned, and that the Chief Electoral Officer might at any time make a recommendation for their removal if he thought it was in the public interest that they should cease to act as such.

Q. You would have no check on him?—A. I would make certain restrictions. For example, supposing he appointed a sheriff as the one at the top of the official list and then he found that the sheriff was not satisfactory; his next recommendation would be another man from the official list.

Q. That is not what I have in mind. That simply is in the exercise of his discretion. What I think you had in mind was that there should be some check on his power of appointment by the government of the day—A. I would certainly think the appointment should come from the government on the recommendation of the Chief Electoral Officer. I do not know how far the idea formulated by me would meet the situation. I have made a list of the order in which I would make these appointments. First, the sheriff, whose office as such is situated within the electoral district and whose jurisdiction extends to the whole or a greater part of it.

Q. What about a case where there were two sheriffs?—A. Either of them would do.

By Mr. McPherson:

Q. The sheriff in my county would be the sheriff in Winnipeg who would have to handle four districts, because he takes in perhaps seven seats.—A. Then you have a sheriff whose office as such only extends to part of the district and not the whole of it; then the two registrars, then the sheriff whose office is situated outside the electoral district, but whose jurisdiction extends to any part of it; then the registrar of the same kind. Then the deputies of the sheriff and registrar, if they are not already election clerks, and then the city clerks, and the assessors. I did not put in the clerks of the courts. You could easily frame up a list of that kind. As a matter of fact, it does not matter; if it is wise to give the Chief Electoral Officer complete discretion, he could work it out along the same general lines.

By Mr. Boys:

Q. This is really a list of qualified persons, and if necessary you could appoint others?—A. Exactly.

By Mr. Kennedy:

Q. I understood you to say a little while ago that one of the difficulties in conection with the Chief Electoral officer appointing the returning officers is that the Chief Electoral Officer is here in Ottawa and does not know the men throughout the length and breadth of the country?—A. Yes.

Q. Could that not be overcome by selecting a deputy in each province who would have general local knowledge sufficient to appoint the returning officers? —A. I do not know how you would frame up the duties of the deputy, apart from that. What would he do besides selecting returning officers?

Q. He could assist the Chief Electoral Officer in respect to those things which the Chief Electoral Officer could not undertake for himself.—A.That is the only thing which the Chief Electoral Officer could not do conveniently.

Q. You mentioned a little while ago the appointment of certain individuals with certain classes of jobs in the provinces being selected as returning officers, leaving the discretion to the Chief Electoral Officer to recommend. Why go to the trouble of recommending to the Secretary of State, for instance? Why not give the Chief Electoral Officer the power to appoint and discharge?—A. I have no objection to that.

Q. And thereby saddle him with direct responsibility?—A. I think it would be a little unfair without giving him the right to appoint public officers.

By the Chairman:

Q. You mean the right to compel public officers to act?—A. Yes.

By Mr. McPherson:

Q. If we wipe away all camouflage as shown in past history, if the Chief Electoral Officer had the power to appoint the returning officers, would he not drop letters to friends in the various districts asking whom they would recommend?—A. With my present experience, I think it would be the same, if conditions of that kind were imposed on me. I would feel under obligation not to make any inquiries of a political nature.

Q. You would not find anybody who qualified.—A. All I would want would be honest men.

Q. If you were to go to a man for a recommendation in Manitoba, Saskatchewan or Alberta, for instance, you would hunt for a man capable of judging and recommending a person for this office, and he would be a strange man, if he had not a strong interest in politics himself, who would not recommend somebody of his own political faith.—A. As a matter of fact I do not think it makes a great deal of difference where the Chief Electoral Officer gets his information, because my experience is that if the appointment is non-political it will be treated by the holder as being non-political. We are taking our judges every day from those holding political beliefs and having no trouble at all.

Q. I do not object to that system of nominating. It has been satisfactory, and yet I think when you get down to brass tacks and wipe away the camouflage, you will find the appointment finally goes to one side or the other.—A. You could not very well get away from that.

By Mr. Hanson:

Q. Your analogy of the appointment of judges is not a fair one. When a man is appointed to the bench he is appointed to a high and important position, and he dissociates himself at once from politics. In every election you are simply pushing men into the maelstrom of politics.—A. I do not think you can get a perfect system. All you can do is to get a better one.

By Mr. Kennedy:

Q. Have you read the report of the committee of last year?—A. No, I do not think I have seen it.

Q. I would like you to look at section 4 of that report on the first page which reads as follows:

> Your committee is of the opinion that the cause of corrupt and illegal practices in the election held in the federal constituency at Athabaska in 1925 was the partisanship, ignorance and incompetence of certain election officials.

Would that have happened in 1925 if the responsibility of selecting those officials had been placed in the hands of the Chief Electoral Officer, who has no political affiliations?—A. It could not have happened; it really could not have happened.

By Mr. Kellner:

Q. Is the only objection you see to the appointment of a deputy returning officer in each province the fact that you would not have a job for him?—A. Yes, and it is a very serious objection, because if he has no functions he has no responsibility.

Q. Supposing for a minute you were prepared to delegate some of the powers which the Chief Electoral Officer has under the Act, and which he does not use, or has not used in the past—suppose you delegated them to the Deputy Chief Electoral Officer, and let him carry them out; would that not provide him with a job and give you more satisfactory machinery?—A. No; the work would have to be done in Ottawa.

By Mr. Kennedy:

Q. Could he not be selected for three months, during the election?—A. I would just as soon—

Q. Could you get nine men in Canada who could give you that local assistance?

Mr. BOTHWELL: How much better off would you be?

Mr. KELLNER: The actually carrying on of the elections is not done in Ottawa. Ottawa simply over-sees it.

By Mr. Anderson:

Q. Supposing that were done and this responsibility placed upon you: you are supposed to be non-political in holding that office; you have no personal guide or knowledge to whom you can refer, or from whom you can ask for information— —A. I think it would be unfair to impose that duty on the Chief Electoral Officer, unless he had the power to appoint public officials.

Q. Then it would go back to the Secretary of State?—A. No.

Q. Suposing you had the power now vested in the Secretary of State, that is, the naming of the returning officers. How would you get your information? —A. I would appoint the Sheriff, for example, of Edmonton, or the Registrar at Edmonton without enquiry. I know he is a public officer, and I can rely upon that. I would not get into such trouble as arose, for instance, under different circumstances.

By Mr. McPherson:

Q. Your position is that unless the statutes contained a list of officials from whom to appoint, you would not want that power?—A. As a matter of fact, the form does not matter, because the Act has now a provision in it that anybody who is appointed as a returnmig officer—whether with his consent or not—must go on and act when a writ is sent to him, subject to the penalty of fine and imprisonment. So there is no difficulty about the compulsory feature; it is in the Act now.

By Mr. Hanson:

Q. Supposing you were appointing the Sheriff—take the case of Nova Scotia up to within recent years—do you think the Conservative party would agree to a proposal like that? Every returning officer in the province of Nova Scotia would be of the opposite political faith.

The CHAIRMAN: The witness thinks there would be a "saw-off," for in the other provinces, every sheriff might be a Conservative. Taking it by-and-large throughout the country, he thinks we would get about a fifty-fifty split.

By Mr. Bothwell:

Q. Take the constituency of Swift Current, 225 miles long and 65 miles wide. If an election came on in the fall of the year, it would be impossible for the sheriff to spend his time in looking after the election campaign as returning officer?—A. That is practically true.

Q. He would have to deputize somebody else, some junior in his office, to do the work because he could not go out and attend to it?—A. That is what is very frequently done now. The person who is nominally the returning officer does not do the work; it is done by his election clerk. It does not matter whether the returning officer does the work himself or has someone do it for him. Of course, you gentlemen know more about that than I do. I am only speaking to you out of my experience, but I have no trouble with returning officers since they were definitely appointed for the purpose of serving their parties in the offices—

By the Chairman:

Q. I take it that your view is that you would have a better chance to get someone to do the work well if the man happened to be a public officer and had certain responsibilities, than if you picked up any man recommended to you by the politicians?—A. That is my idea.

Q. This man, after all, has to keep carrying on his public office year after year; he has certain responsibilities to the public, whereas the man appointed only for the job might do the job very well?—A. Yes.

By Mr. McPherson:

Q. Did you find in 1925 or 1926 any real serious trouble in connection with the returning officers?—A. I had a great deal of trouble in two or three constituencies. I have said in my report that it is perfectly astonishing that 240 odd men picked up and taken out of their ordinary jobs for about two months for a political duty showed the measure of probity, intelligence and capacity which they did. That has always been astonishing to me, having regard to the way they were selected and appointed. As a matter of fact, that is always the difficulty when you begin to discuss a vast number of instances. You can always get a sufficient number of exceptions to look imposing. All of the normal cases where the work was done without comment are simply forgotten; attention is directed to the exceptional cases. That was a difficulty I always found in keeping my mind from being affected by the exceptional cases, and keeping the background sweet.

By Mr. Hanson:

Q. Would you not say that under any system you would find these exceptional cases?—A. Yes; the only thing you can do is to get a system which will be likely to show as few exceptions as possible.

By the Chairman:

Q. With how many general elections have you been connected?—A. Three.

Q. And in that time you have had about 700 returning officers?—A. Yes.

Q. Of all those, with regard to how many would you say you had serious complaint?—A. I cannot say exactly.

Q. What is the percentage?—A. I think I reported about six out of about 600.

By Mr. Anderson:

Q. I see in your appendix 2 that out of 1,136 letters which you sent out asking for suggestions and complaints you received only 37 complaints.—A. Yes, and in 1926 I received only four. The difference was due to the fact that in 1921 and 1925 I wrote a personal letter to every candidate and asked him whether he had any complaint to make. In 1921 my report was printed, and I think there were about forty replies to those personal letters making some suggestions; in 1925, there were 36. In 1926, I did not write a personal letter to every candidate; I just let it go on the instructions, because it was suggested in the election instructions which related to candidates, and I only got four letters from all the candidates—the candidate or his election agent.

By Mr. Kennedy:

Q. What did you ask for? I never received one of those.—A. In 1925, 1,138 letters were sent to candidates and official agents. This is the letter:

> Referring to section 74 of the Dominion Election Act and paragraph 266 of the election instructions, I have the honour to ask if there is any amendment to the Act or any complaint as to the conduct of an

election officer which you desire me to bring to the attention of the Speaker of the House of Commons with my official report. If not, please do not trouble to acknowledge this letter, but if so I shall append to my report a copy of any communication you may desire to send me on either of the subjects mentioned.

Q. That would not cover a case where there was a great deal of inefficiency in the general arrangements of polling districts—A. Yes.

Q. —due to the fact that the officials did not have the time?

Mr. McPHERSON: I think that letter would cover complaints and suggestions as to how the Act should be amended.

Mr. KENNEDY: I have this in mind: In the province of Alberta we had a provincial election about two months ahead of the federal election. In every case where there was practically a solid farmer vote in the provincial election, there was no poll at all in the federal election, and the people were asked to travel from 15 to 21 miles to vote.

The CHAIRMAN: You should have complained about that.

Mr. KELLNER: What good would it have done?

Mr. KENNEDY: I did not receive a letter. I am more anxious to remedy this than to complain about it.

Mr. BOTHWELL: We had complaints filed during the course of the election, with no result, and it was no use sending in a report afterwards.

The WITNESS: That certainly was not true in connection with any election when I was Chief Electoral Officer.

Mr. BOTHWELL: That was in 1926.

The WITNESS: There was never a complaint that was not dealt with within twenty-four hours.

Mr. BOTHWELL: There was no action taken.

The WITNES: There was always all the action taken which was possible under the circumstances.

Mr. BOTHWELL: Let me give you an instance. In the Swift Current constituency there were polls placed in position so that we had to station men along the road to show the voters where to vote. Schoolhouses which had been used previously for polling places were not used during the general election. Complaints regarding that were sent in by telegraph during the course of the election.

The WITNESS: I have not my file with me, and I cannot reply definitely to that statement. You may well imagine that I received a very large number of complaints during the election, chiefly by telegraph, which later turned out to be entirely unfounded, and it was impossible to give an ex parte report of improper conduct on the part of any returning officer on the information then before me. It is not reasonable to ask that I at once order a returning officer to do certain things, because, as I say, in about three cases out of five telegraphic suggestions or complaints of a general character it turned out that the complaints were based on a complete misunderstanding of the situation. In approximately two out of three of these cases I was able to adjust matters by getting the candidate or the complainant in touch with the officer against whom the complaint was made.

Mr. BOTHWELL: We got in touch with the proper officials, as we thought, but without results.

The WITNESS: My general practice was not only to make an investigation of such matters as you speak of but also to telegraph the returning officer at the same time that a complaint had been made and ask him to take such neces-

sary action as he could. The result was that if I heard nothing more about it I assumed an arrangement had been made between the parties on the spot. If I did hear more about it, then further action was always taken. That was the only possible course of action which could be taken.

Mr. BOTHWELL: I thought when we were amending the Act we could rectify that situation in connection with the placing of polling places. So far as that particular instance is concerned, there was no remedy there.

The WITNESS: I would very much like to look at the file, because I am sure that everything was done that could be done.

By Mr. Kennedy:

Q. Would not the straightening out of difficulties of this kind be a good job for a provincial deputy?—A. Practically the work has to be done by telegraph anyway, and it is just as easy to telegraph from Calgary to Ottawa as from Calgary to Edmonton. If I were Chief Electoral Officer I would much rather take the responsibility of whatever action was taken myself than refer it to somebody else who could not get much nearer to the spot than I could.

By the Chairman:

Q. There will invariably be an appeal anyway.—A. You could not finally take responsibility for 30,000 polling divisions in Canada.

Q. Under your system the deputy returning officer would be the representative of the Chief Electoral Officer?—A. Yes.

Q. The difficulty to which Mr. Bothwell refers could not happen in our country. The polls are at or near a certain fixed place.—A. Yes. As a matter of fact, I have always had a feeling in regard to that, and I have always thought there was an advantage in these permanent lists. I have always had a normal lot of difficulties with the location of polling stations and the delimitation of the boundaries of polling divisions, particularly in the west.

By Mr. Hanson:

Q. That is not true in other parts— —A. Not in the older parts of Ontario, but a good many returning officers rearrange the polling division boundaries.

Q. Have they the power to do that?—A. They must be given the power to do that. The great advantage of a permanent list maintained in an office here would be to prevent geographical delimitation of the polling divisions which is improperly done in every province in Canada. There is very little attention paid to that. A great many of the polling divisions are delimited by the exercise of the franchise, but sometimes you find that provincial polling divisions are delimited for some provincial or municipal franchise and contain either a normal or a large number of manhood suffrage votes. It is ridiculous in some places to depend on the manhood suffrage vote. We have had polling divisions where there were two or three hundred people on a local list, by reference to which the polling division was delimited, and we have found ten or twenty manhood suffrage voters in it, because perhaps it was down town in some large city, among a number of large office buildings and the only voters were the caretakers of them.

By Mr. McPherson:

Q. Would we be up against this trouble with polling divisions in the rural districts in the west, where they are very often fixed by reason of their natural situation, or the geographical contour of the country? It may look ridiculous to be the way it is, but it is all right.—A. I have had cases where the returning officers did delimit them in a more or less ridiculous way, creating a long poll-

ing division very inaccessible to some people; for instance, with a stream running through the centre of it, and perhaps the men to the north of the stream would have trouble in getting to the poll, or vice versa. There was one instance where a man had to swim across a lake to get to the polling place.

By Mr. Bothwell:

Q. There have been so many changes in the west that it is difficult to keep a polling place stationary.—A. Very difficult.

By Mr. Bancroft:

Q. In your experience with three elections have you had many complaints of the returning officers using their positions to further the interests of the party to which they belonged?—A. Proportionately and comparatively extraordinarily few; absolutely, a considerable number.

By Mr. Kennedy:

Q. What about the men appointed under the returning officers to do the organizing?—A. I have had two or three instances of a returning officer being a mask for somebody who was really fixing the thing up for some political end.

By Mr. Bancroft:

Q. I have been through the same elections as you have, and the three returning officers with whom I had to do were extreme party men. Two belonged to one party and one to another, and I never had any trouble, nor do I know of any complaint in my constituency. The only trouble was at the beginning of each compaign when we had a new man who did not know anything about the work.—A. That was the general experience.

By Mr. Kellner:

Q. I would like to ask why you consider the sheriff the most suitable appointee. Why, in Edmonton, for instance, would you consider the sheriff better than John D. Hunt?—A. They are both officers. John D. Hunt is a first-rate man and an excellent public servant.

Q. But according to your suggestion he would not be considered at all.—A. That is perfectly true.

Q. Why not consider him?—A. The only reason for restricting the discretion of the Chief Electoral Officer is that it leaves him more free from criticism, because he has the direction of, but not the general discretion with regard to each electoral district.

Q. I think the answer to that is that if he carries on a good clean election he need not fear criticism.—A. He may do his best and still get into trouble. I have known chief electoral officers who did that.

By the Chairman:

Q. Have you anything further to say?—A. Those are the only two substantial points. There are a number of minor amendments, but they are purely in regard to the machinery with regard to the election clerks. There is a recommendation with regard to certain changes in urban registration and the revision of urban lists and some purely formal things about recounts and so on. The only other point which has any substantial bearing is, as the report suggests, in regard to an interval of seven days between nomination and polling being too short to efficiently carry on the work in a number of electoral districts.

By Mr. Hanson:

Q. In many cases you suggest that seven days is enough?—A. I have always thought it was a mistake to go back to seven days; everybody would be as pleased if it were fourteen days. There is no advantage whatever in seven days. It creates an administrative difficulty which always seems to be unnecessary and was I think originally based on a misconception of the advantage or disadvantage of early nominations. However, the committee at that time took the other view, but there are certain cases where undoubtedly a seven-day period is too short.

By Mr. Totzke:

Q. Have you any electoral division which allows more than seven days? —A. There are twenty-five or thirty of them which have fourteen days.

By Mr. Hanson:

Q. Do you wish to extend that time?—A. Yes.

The CHAIRMAN: I think if anybody comes before the committee and states that in his constituency there should be fourteen days between nomination and polling, I think the committee would recommend it.

By Mr. Kennedy:

Q. If two weeks were allowed, for instance, in Wetaskiwin, Acadia or Red Deer, do you think that would be sufficient in a district like Peace River? —A. Peace River already has two weeks.

Q. If you had two weeks for Acadia, Camrose, Wetaskiwin, Neepawa, and so forth, should it not be more in Peace River?—A. If Peace River were double its size you would only have two weeks. You cannot allow more than that.

By Mr. Anderson (Toronto-High Park):

Q. Is not seven days too short in a great majority of the constituencies?— A. I think the old rule of fourteen days everywhere was really a sound rule.

Q. We have found it too short in a city like Toronto. A. I think it is too short. I think the reason which lead the committee to make the change in 1925 was based upon a misconception of the situation; it should have been left at fourteen days everywhere.

The CHAIRMAN: Are there any further questions to ask Colonel Biggar in regard to the Act in general, not only on the matters he has discussed? If not, we will adjourn.

The committee adjourned.

APPENDIX

OF

PROPOSED AMENDMENTS TO THE DOMINION ELECTIONS ACT AND THE CORRUPT PRACTICES INQUIRIES ACT. FILED

FILED ON BEHALF OF THE LEGISLATIVE COMMITTEE OF THE RAILWAY BROTHERHOODS

Dominion Election's Act

Amend Section 102—re Advance Polls for Railway Employees, Sailors and Commercial Travellers—as follows: Sec. 102.

Subsection (8) to read:

"(8) Advance Polls shall be open from the hours of two o'clock to five o'clock in the afternoon and from seven o'clock to ten o'clock in the evening of the three days, exclusive of Sunday, immediately preceding polling day."

Amend Subsection (10) to read:

"(10) Every person applying to vote at an Advance Poll shall, before voting, be required by the Deputy Returning Officer to make the following declaration, which shall be kept by the Deputy Returning Officer with the other records of the poll:

Declaration

"I declare that my employment or calling is that of a Railway Employee, Sailor or Commercial Traveller and necessitates, from time to time, my absence from my ordinary place of residence, and that I have reason to believe that because of possible necessary absence from my ordinary place of residence in the pursuit of my employment or calling, I may be unable to vote at the pending Dominion Election on polling day. I am aware that after voting at an Advance Poll, I have no right to vote or to attempt to vote at any other polling station at the pending Dominion Election."

Dated at , this day of , 19

Witness:..... .....

Deputy Returning Officer Name of Voter

The remaining subsections of Section 102 to be amended accordingly, or repealed.

FILED BY MR. NEILL, M.P.

1. That Election Day be proclaimed a public half-holiday, with pay. This was actually inserted in the Act in the Session of 1925, but by a clerical error was omitted from the Act as submitted to the Senate. The records of Hansard, 1925, Page 4750 will show where it passed the House of Commons.

2. In rural constituencies the qualifying date of ordinary residents is two months prior to date of writ. In the election of 1925 this meant that anyone voting on October 29th had to be in residence on July 5th. This is too long in British Columbia where the population, many of them single men, move about a great deal. It also disenfranchises a large number of school teachers. Both in 1925 and 1926 qualifying date fell during the summer holidays when most teachers were away from their schools, and when they Sec. 29.

came back on September 1st they were too late to qualify. This disenfranchises practically all our school teachers. They could, of course, register in the district where they were on July 5th, but that meant going back to the district, which was impossible. The same argument applies to the many fishermen on the coast, and often means their disenfranchisement.

Sec. 55 (5), 102 (8).

3. I would recommend the close of polling to be at seven p.m. instead of six p.m. for the greater convenience of workers, not all of whom can take advantage of a half holiday, and especially so if the half holiday mentioned under No. 1 is not granted. It really means the disenfranchisement of a lot of these workers.

Sec. 63 (3)

4. I would recommend that the voter be allowed to retain possession of his ballot and himself deposit it in the box. He can show the counterfoil to the Deputy Returning Officer and himself tear it off in the presence of the Officer and hand the counterfoil to him, but the voter should never have to hand his ballot to anyone. When he does so, the secrecy of the ballot is very much endangered. The paper is thin, and a sharp-eyed Scrutineer could quite easily see where the pencil mark is made through the back of the ballot. I have known this done. Also the Returning Officer may quite innocently, in handling the ballot and tearing off the counterfoil, slightly open it and disclose where it is marked, or if he is unscrupulous and wishes to find out how some particular man has voted, it is very easy for him to rub the ballot paper open and disclose the way the man voted. If complained about, he can say it was an accident, as indeed it might have been, but it may cost the voter his job. There is a very strong feeling that the voter should not have to hand his marked ballot over to anyone, but himself deposit it in the box.

Secs. 77, 78. Tariff by O. in C.

5. I recommend that Deputy Returning Officers and Poll Clerks in the West should be paid $10 and $5 a day respectively. The Poll Clerk has to be a man of some education and reputation, and has to visit the Polling Station the day before the election to see that everything is ready, and has to be on duty all day and have his meals sent in, etc., and good men cannot be got to do it for $7.

As regards the Polling Clerks, the same thing applies. They have to be on the job from 7.45 a.m. until the poll is finished, the counting done, and all forms filled up, which often means eight or nine o'clock. They are not allowed anything for meals, and no hotel will send in a meal under a dollar, and that gives him, at the present rate, $2 for his day's work, whereas if he were working at the lowest form of manual labour he would work only eight hours and get $4 a day with no deduction, as he would of course bring his lunch with him, and go home for his supper.

It is really difficult to get people to do the work for the money, and it requires men of some education, and we certainly want them to be of some standing.

Secs. 55 (5), 102 (8).

6. I suggest polls should close in the East two hours later than in British Columbia, otherwise city voters hold off voting until the eastern votes come in, and their vote will be affected accordingly.

Secs. 77, 78. Tariff by O. in C.

7. The tariff of fees allows $5 only for rent of polling booth and includes heating, furniture and fixing the place up for voting. In rural places this is all right for one booth, but in villages which

require say three booths, it takes quite a lot of fixing up, and the hall naturally needs to be much bigger and cannot be got for $5. I think the allowance ought to be $5 for rent of each polling booth, so that if there were three Deputy Returning Officers in one building, the allowance could be $15.

8. A great deal of misunderstanding is created by the respective wordings of the first section of Section 57 of Chapter 53 Revised Statutes of Canada, 1927, and that of Section 64 of the same Act. It has been held again and again by quite conscientious Returning Officers, and even by the electors themselves, that the last clause of Section 1 of Section 57, which reads as follows: " and he may vote at the polling station of the polling division upon the list of voters for which his name appears and at no other," prevents and contradicts the privilege of swearing in, granted by Section 64. I would suggest that it be made clear by the addition of the following wording, that after the word " other " of Subsection 1 of Section 57, instead of a period put a comma, and then add " unless he votes under the provisions of Section 64 ". It is true that the first words, except as otherwise provided in this Act, may be held to apply, but it is not clear enough for the ordinary Deputy Returning Officer and elector. Secs. 57, 64.

Section 64 should also be amended, I think, by inserting after the word " list " on the fourth line, the words " for that particular rural polling division."

What happens is this, a man is on, or perhaps is improperly put on a list for Polling Division No. 10. He has resided the proper length of time in Polling Division No. 12 but he knows his name has been put on the list for No. 10 and the Deputy Returning Officer says, " You cannot vote in No. 12 because your name appears on the list for No. 10, and he is threatened or he is afraid of getting into trouble.

The two corrections that I suggest would meet the situation. They may not be worded in the correct way, but certainly some change is needed to make it clear that a man can vote at a Polling Division if he has resided the proper number of days in the district, even although his name should be upon the list of another polling division.

You may say that it is the law now, and I know that Col. Biggar so held it, but it has to be made plain for the protection of the ordinary voter and the ordinary Returning Officer. I regard this as most important.

FILED BY THE LABOUR MEMBERS OF THE HOUSE OF COMMONS

1. That all possible public buildings should be used as polling booths and registration places. Secs. 28, 34, 55 (1).

2. That the boundaries of polling sub-divisions should follow those of the cities and municipalities. Sec. 28.

3. That the number of the Polling Division should be shown opposite the name of the voter on the lists. Sec. 32, Form 17.

4. That no voter should be accosted by anyone within a hundred feet of the Polling Sub-division.

Sec. 32. 5. That in the Court of Revision there should be no registration by proxy upon written request by the applicant showing an adequate cause for his or her absence.

Sec. 21. 6. That in the cities, the City Clerk or other officials, should be the Returning Officer, and wherever possible, permanent D.R.Os. should be appointed by the Electoral Officer in Ottawa.

P.R. in urban div. 7. That proportional representation with Group Constituencies in urban areas should be inaugurated.

Polling day half holiday 8. That a half-holiday with pay on polling day should be allowed to all employees of corporations or other concerns.

Secs. 55 (5) 102 (8). 9. That as an alternative, if the half-holiday is not granted, an extension of the voting hours should be made law.

Sec. 40 (9) b., 40 (5). 10. The abolition of election deposits and that increased number of signatures be required on the nomination.

Sec. 9. 11. The repeal of that part of the Election Act which prevents Unions from contributing to election campaigns.

Campaign funds—publication 12. That there should be a publication of the source of all campaign funds received by all political parties.

FILED BY JULES CASTONGUAY, CHIEF ELECTORAL OFFICER

Returning Officer Sec. 21

21. From time to time, as required, the Governor in Council upon the recommendation of the Secretary of State shall for every electoral district in Canada appoint a person, described either by name or by his title of office, who shall be returning officer for such electoral district: unless there is good reason to the contrary, such person shall be the first mentioned of the public officers hereinafter described, namely:—

(*a*) A sheriff whose jurisdiction extends to the whole or any part of the electoral district;

(*b*) A registrar of deeds whose jurisdiction extends to the whole or any part of the electoral district;

(*c*) A protonotary whose jurisdiction extends to the whole or any part of the electoral district;

(*d*) The deputy of any such sheriff, registrar or protonotary, in the same order, provided that the sheriff, registrar or protonotary whose deputy the nominee is has not been already appointed to be returning officer for some other electoral district, or if he has been so appointed, has not named his deputy as his election clerk;

(*e*) The city clerk of any city in which the electoral district is wholly included or of which the whole or part is situate in the electoral district;

(*f*) The assessor of any such city.

2. Every person so appointed shall be removable only for cause and notice of his appointment shall be given immediately in the *Canada Gazette*.

3. A person not holding any public office shall not be recommended for appointment as returning officer unless there is no such public officer as is described in this section against whose appointment good reason does not exist.

FILED BY THE CHIEF ELECTORAL OFFICER

Sheriffs and Registrars

Deputy Sheriffs and Registrars who acted as returning officers at the General Elections of 1900 to 1926 inclusive:—

General Election	Number
1900	66
1904	68
1908	63
1911	46
1917	35
1921	17
1925	32
1926	15

SESSION 1930

HOUSE OF COMMONS

MINUTES OF PROCEEDINGS AND EVIDENCE

OF THE

SPECIAL COMMITTEE

ON

DOMINION ELECTIONS ACT AND CORRUPT PRACTICES INQUIRIES ACT

No. 3

WEDNESDAY, APRIL 2, 1930

WITNESSES:

Mr. Neill, M.P., Mr. Thompson, M.P., Mr. Ryckman, M.P., Francis King, K.C., General Counsel, Dominion Marine Association.

OTTAWA
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1930

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,

WEDNESDAY, April 2, 1930.

The Committee duly convened at 10.30, pursuant to notice.

Members present: Messrs. Anderson (Toronto High Park), Bancroft, Bird, Boys, Cahan, Cantley, Elliott, Hanson, Kellner, Kennedy, Power, Sanderson, Totzke—13.

The minutes of the preceding meeting were read and adopted.

Discussion arose as to the particular subjects to be considered at the present meeting. It was decided that unfinished business arising out of the preceding meeting would be deferred until the next meeting.

Mr. Hanson called attention to the alleged incomplete reporting of the evidence of the last meeting.

The Chairman explained that the practice adopted with respect to the reporting of such meeting was the usual practice in committees and cited the rule passed by the Board of Internal Economy in 1910, confirmed by the Board in 1927, and by the Honourable the Speaker, from session to session, viz.: that reporting should be confined to evidence taken, objections and rulings.

Several members expressed the opinion that the reporting should not be so limited and that appeal should be made to the proper authority for leave to report verbatim.

The Chairman, thereupon, instructed the reporters to report this day's proceedings verbatim: the question of the extending of the notes and the printing to remain in abeyance.

Mr. Neill, M.P., addressed the meeting, offering criticism of several provisions of the Dominion Elections Act and suggesting amendments.

Mr. Francis King, K.C., General Counsel for the Dominion Marine Association, addressed the meeting, recommending amendments to the Dominion Elections Act by the adoption of provisions similar to those found in the Ontario Elections Act with respect to the voting of mariners by proxy.

Mr. Thompson, M.P. and Mr. Ryckman, M.P. addressed the meeting in support of the aforesaid recommendations.

Mr. Telford, M.P., requested to be heard at the next meeting.

The Committee adjourned until Thursday next, April 3, at 4 p.m.

A. A. FRASER,
Clerk of Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,

WEDNESDAY, April 2, 1930.

The Special Committee on the Dominion Elections Act met at 10.30 o'clock a.m., the Chairman, Mr. C. G. Power, presiding.

The CHAIRMAN: We have with us this morning Mr. Neill, M.P., who would like to make some suggestions in regard to amendments of the Dominion Elections Act. If the Committee wishes to hear him now he says he will not delay the Committee very long. I had not mentioned the matter to you, Mr. Boys, last night.

Mr. BOYS: I am not rising to make any objection to that proposal; but at the close of the last meeting there was a little discussion between yourself and me as to a certain matter and I desire to press that; but, as I understand that there is a Liberal caucus to-day, and this Committee will likely adjourn in half an hour, as long as it is understood that my matter will not be passed over it might taken up at the next meeting, which I think you suggested, Mr. Chairman, might be Friday. I just want to preserve my position.

The CHAIRMAN: I understand that. Would it be too much to suggest that we meet some afternoon, either Thursday or Friday?

Mr. HANSON: There is a Banking Committee, and there are some important amendments to the Act, and I must go to the Banking Committee this morning. It is important that we watch the amendments to the Companies Act; and we have been conflicting right along with the Banking Committee; and that was brought up in the House yesterday. Of course that is all wrong, and we cannot get along in that way, as a man cannot do his duty if he is confined to one Committee. I should like to ask that the Chairman should see that this Committee will not interfere with the Banking Committee. Of course he will see that it does not interfere with the Pensions Committee.

Since last Wednesday, I see that there has been an immense amount of stuff deleted from the report of the Committee, and I protest against that as vigorously as I can, and I am going to ask the Secretary to say on whose instructions that was done.

The CHAIRMAN: I will take the responsibility for that, because it is well understood that the discussion should not be printed in the minutes of evidence. Insofar as is possible, I have given instructions to the reporters not to take discussions; and that is in accordance with the orders from the House, as you understand.

Mr. HANSON: And furthermore, I should like to know who is to be the judge as to what should go in. Is it to be the Chairman of the Committee or the reporter himself? Is it to be left to the reporters' initiative, or does the Chairman of the Committee censor the report? I submit that it is an outrage. There was a very important statement made by Mr. Black (Yukon) here which is absolutely deleted. So far as we are concerned, we object to that. If we have to make a fight in this Committee, we want it reported. I object to anybody acting as the censor and saying what shall go into this report. We have never delegated any such power to the Chairman, and we certainly never have delegated any such power to the reporters now present. So far as I am concerned, I will object to such deletions and will continue to strongly object to it.

The CHAIRMAN: The Board of Internal Economy has ruled, as far as Special Committees are concerned, that the reporting shall be confined to evidence taken. This is the report of the Clerk (Reading):

> The Board of Internal Economy have ruled that with respect to the reporting in Standing and Special Committees, reporting must be confined to evidence taken, i.e. question and answer, objections raised and the Chairman's rulings.
>
> Discussion and speeches by members are not reportable unless it be discussion that leads directly to an objection raised or a ruling of the Chair.
>
> The reporters have endeavoured to keep within the rule and at the same time make the record intelligible; sometimes a difficult task.

In other Committees and in this I have taken it upon myself, I freely admit, to delete discussions, unless the discussion led up to a question. I have always done that and I have taken the responsibility for doing it, and if there is any objection I suppose it had better be made to me, or had better be taken to the manner in which I have conducted the Committee.

Mr. HANSON: I am taking it right now.

The CHAIRMAN: That is all right, but I have to follow the rules laid down for the conduct of these Committees, that all this discussion is not to be taken, and that apparently is a rule of the House.

If we are to take these Committees verbatim, as they do in Hansard, we had better go back to the House for further instructions.

Mr. BOYS: I intended to take a somewhat similar position. When we reached the impasse we did regarding the question of recommendations, I made a statement which I suppose took me five minutes and I should imagine would have covered a page. I am not seeking publicity at all, far from it, yet a statement which I then made had to do with the stand I had taken, and had to do with the stand I took upon this matter last year, and had to do with the reason which led me to agree with the work of the Committee last year; and in my opinion that was vital to the discussion. Apart from that, how are we to get to the House or to the members of the House, or for that matter to the country, a statement of our reasons for the stand we took last year, and if necessary, to have any exception taken to the statement of instructions which has been read by the Chairman just now?

The CHAIRMAN: My hands are tied.

Mr. BOYS: All right. I think we should be permitted to make a statement of the reasons for the stand we are taking.

The CHAIRMAN: Let us arrange that at the next meeting Mr. Hanson and Mr. Boys will bring this matter up, and that we ask the House of Commons to permit us to take reports verbatim in the same manner that Hansard takes the reports for the House.

Mr. HANSON: That is fair enough.

Mr. BOYS: That only means that when we meet again we cannot go on.

The CHAIRMAN: Admittedly, I cannot rule otherwise than I have done, in the face of this ruling of the Board of Internal Economy. Insofar as I am aware that has been the rule in connection with all Committees, to instruct the reporters not to take discussion.

Mr. HANSON: Are we bound by that?

Mr. BOYS: We have seen long statements in Committees by members.

The CHAIRMAN: Mr. Fraser, the Clerk of this Committee, informs me that we are bound in this way, that our Committee reporters are acting under in-

structions from the Speaker and the Board of Internal Economy, and their instructions are those that I have just read, not to take discussion.

Mr. HANSON: Then I move right now—

The CHAIRMAN: Would you wait until the next meeting for that?

Mr. HANSON: As Mr. Boys points out, unless we take action now we will not have it ready for the next meeting.

The CHAIRMAN: We can arrange that every word of it shall be taken to-day, and that every word of the report of the next meeting shall be taken.

Mr. HANSON: I think if the Chairman will speak to the Speaker he will get the authority.

Mr. BOYS: This will not lengthen the report more than a page or two, and it will not matter in the expense, if what is behind the instructions is that it will lead to lengthy reports.

The CHAIRMAN: I suppose it is a question of whether all Committees shall be reported fully. It is not a rule for this Committee specially but for all Committees. Last year we had a Committee on Public Accounts and had a great time in keep out discussions. Some discussions were allowed in, and others were not that should have been allowed in.

Mr. BOYS: Supposing you take the sense of the meaning, Mr. Chairman, and then you might speak to the Speaker, if it is the sense of this meeting that everything should be reported.

The CHAIRMAN: Do you think it is right to take up the time of this meeting with a matter of discussion such as this may be?

Mr. HANSON: Unless we take it up at this meeting, we will get nothing from it.

The CHAIRMAN: Supposing we agree that for to-day all this discussion shall be taken, without any deletion whatsoever, and that we have for to-morrow or at the next meeting a full and free discussion as to the means to be taken to have a complete report? I really do not think we should take a decision of this kind to-day, when it was very well understood that there were not to be any contentious matters brought up. I just put it to the Committee in that way. After all, the Committee can do what it likes.

Mr. TOTZKE: Supposing we take it to-day and every other day until it is stopped, will you withhold publication until you see the position to be taken?

The CHAIRMAN: No, if it is taken it must be published.

Mr. BOYS: So far as I know, the statements were taken, but when we had stopped hearing evidence the deliberations of the Committee were not taken. We had a free discussion among ourselves which was not reported.

The CHAIRMAN: One of the Committee Clerks, employed generally in Committees, received this letter, dated March 14, 1927. (Reading):

> In connection with the reporting of Committees, I beg to call your attention to the following rule which has been endorsed by the Commission of Internal Economy of the House of Commons: "The Commission of Internal Economy held a meeting to-day and took up the question of having evidence reported in the standing and special committees. The Commissioners were unanimous in the opinion that the rule laid down by Dr. Flint, late Clerk of the House, should be observed. It must be therefore understood that beyond the mere noting of objections raised and the Chairman's ruling thereon, which is necessary to render the record intelligible, discussions in Committee are not to be taken down in shorthand and transcribed."

That is signed by Mr. C. S. Blue, Chief of Committee Reporters, in 1927; and apparently the same practice has been followed.

I have always tried to keep out discussion. Perhaps I have been really remiss in my duty sometimes, and possibly at other times have really overstepped the mark. When I have looked over the transcription, I have always ruled out what I took to be discussion.

Mr. BOYS: For instance, take the discussion before the Committee on the Church Union Bill. But perhaps my copy, being in typewriting, was a special one.

Mr. HANSON: I do not know that the House of Commons has ever passed on this rule, and I do not know that we in this Committee are bound by anything that the Internal Economy Committee rules, until it has been passed by the House.

The CHAIRMAN: Supposing we go on with this until to-morrow, and I will give an undertaking that everything that is taken down will be transcribed; then at the next meeting at which the discussion takes place, everything will be taken down; then after that, I will refer it to the Speaker of the House?

Mr. HANSON: I just have one observation to make, Mr. Chairman, if you have authority to have all discussion taken down to-day, you have authority to have it always taken.

The CHAIRMAN: I can see that, but I have already stated this will be considered at our next meeting; everything will be taken down to-day.

Hon. Mr. ELLIOTT: May I call the attention of the committee to the fact that much of the discussion which is now taking place occurred in 1927. It was before the Committee on International Relations and the question came up as to some matter suggested by the members as to whether or not all the discussion that had taken place should be reported in shorthand and printed in the record of the proceedings. The other view taken was, should only the evidence of the witnesses, motions and objections be reported. After discussion similar to what has taken place this morning, it was decided to submit the matter to the committee on internal economy. The objection, of course, to reporting the proceedings in full was the cost of printing everything taking place before all committees was going to run into considerable money, and would make the records much more cumbersome than they otherwise would be. I think the finding the chairman has read, was the decision sent back to that committee. They had adjourned to get the decision and as far as I know, in all committees that ruling has been followed since that time.

The CHAIRMAN: We will discuss this at the next meeting. Mr. Neill has something to bring before the committee.

Mr. NEILL: Mr. Chairman, I have a few points that I would like to bring before the committee.

Mr. HANSON: Would you be good enough, Mr. Chairman, to tell me just what business you are going to take up this morning.

The CHAIRMAN: Mr. Neill has some suggested amendments to the Election Act, and we have Mr. King of the Domiinon Marine Association, who is going to propose incorporating provisions in the Dominion Elections Act that are now incorporated in the Ontario Elections Act, with respect to voting by mariners.

Mr. HANSON: That will all be printed?

The CHAIRMAN: That will all be printed.

Mr. NEILL: I will not detain the committee very long, as I have just a few suggestions I would like to put on record. Some of these recommendations may not be necessary, due to my ignorance, but some I am sure are worthy of attention, to be dealt with with discretion.

Under the old act—and by that I mean under the Revised Statutes, section 32, schedule B, subsection 1, which will be found at page 1395—Rule 1 requires that a list of registrars is to be supplied. That condition is surely a wise and necessary thing. I cannot find any provision for that in the revised act of 1929.

I would suggest, Mr. Chairman, that I run over these things briefly, and leave the memoranda with you.

The next thing, in the act of 1929, rule 3, schedule B, at page 177, the registrar has to post notice of intention to prepare a list of voters. In connection with this point, I wish to say that I am talking entirely with regard to a country district, not only rural, but where the population is scattered, and great distances have to be travelled, and no telegraph or telephone communication. In cases of that kind, conditions are very bad indeed, and sometimes these registrars are not men of great education, but they are required to put up the notice of intention to prepare the list. I suggest that these lists should be printed. I talked with Colonel Biggar about this, and he informed me there was a form, form 12, under the old act. If that is in form it is not correct because it requires the attendance of all people who reside in the district, to be registered, which is not needed in rural districts because we know the registrar can make up the list from his own knowledge and by going around. This form 12 is not the right form, and I suggest there should be a suitable form posted by these country registrars.

The next point I want to raise is that on the list of voters it should be indicated who is the husband of the woman concerned. In the list they stick in a W, having some idea it is to inform us that she is a woman. As the Christian name is given in full, we can make a safe guess that Grace Mary is a woman, but we have no means of knowing which particular man she is the wife of, and some times that is very inconvenient and causes trouble. There would not be any difficulty if it was stated who she is the wife of.

Mr. KELLNER: Why do you want to know that?

Mr. NEILL: It is always desirable to know who is who, the question of identity when they come to vote, and on the other occasions it is desirable to know which particular woman is allocated to a particular man. I want to allude to the new schedule, rule 9, of the 1929 act, page 178. The rule says the registrar must deliver to the returning officer two copies of the list. I suggest that he should send more because in many cases there are more than two candidates. It is a small matter, but it might cause delay in the candidate getting a list from the returning officer, because when the candidate makes application to him he is told that it is not the duty of the returning officer to make the extra list, and all the registrar has supplied is two copies.

Here is something of vital importance in the country places: How does the deputy returning officer in the little place, 200 miles from somewhere, get copies of the list? Under the old act the rural registrar, rule B, schedule 5, it says he shall deliver or send to the returning officer a true copy of the list before 6 o'clock of the morning of the polling day. The election officer living in a large place, has no excuse for not having this list, because there is no opportunity for delay. But what is the situation to-day in the rural districts where the registrar has to send the list to the returning officer, who may be 300 miles away, and having to contend with storms and heavy seas? It may delay that list getting to the returning officer promptly, with the result that it may not go to the deputy returning officer when the ballot box is sent. It may happen that the returning officer does not receive the list in time to send it out with the ballot box, of if the returning officer holds the ballot box for the arrival of the list, it may be late for the poll. If the ballot box arrives at the poll without the list, there can be no ballot.

Mr. BANCROFT: The registrar sends the list twenty-one days before the election.

Mr. NEILL: He is supposed to, but he cannot do it. I know a case where a poll is held and is not accessible by any means except a boat. In heavy seas you cannot send a small boat, and the regular boat has to be used. The returning officer sends instructions to make the list say, the second of the month, and it will not reach that place for twelve days, and he cannot have it sent back until the return boat, around the twenty-ninth of the month. In that case it is not possible for him to get the list in time to send it out with the ballot box. Perhaps there are not many cases of that kind, but even one or two in a district is enough. It is a question that can be settled simply, if the registrar would make an extra copy of the list furnished for the returning officer and himself hand it to deputy returning officer. Let me remark, these are small places, particularly rural places, and the number on the list would not perhaps exceed thirty names, so no trouble would be caused in making the extra list. If the returning officer does not get it, either he holds back the box, and then the whole thing is too late, or he sends the box and there is no list.

Mr. TOTZKE: In the event of the list not being available for the deputy returning officer, there is nothing to prevent voting in the rural district.

Mr. NEILL: Yes, you are not permitted to vote unless on the list.

Mr. BOYS: That is not so, Mr. Neill. Any one in the rural parts, whether on the list or not, has the right to vote if he can establish himself and has an elector present to do so for him.

Mr. NEILL: But he must have the elector who establishes him on the list, and the returning officer has no list. I maintain that a poll would not be prevented if there were a list because I could prove that I was established, but the returning officer has not got a list showing the name of the man who accompanies this voter. How can there be an election without a list?

Mr. KELLNER: There was an object in changing that section through experience in the old days and this was added. The list the returning officer had would not be what was presented at the poll at all, and the idea of changing that section was to have the same list sent in to the returning officer, and the list submitted the day of the poll, should correspond.

Mr. NEILL: There is provision when this takes place, but that is dealt with, and if you wish to preserve the act of 1929, leave it like that, but add this. He must give this extra copy to the deputy returning officer, and if not, you can take my word for it, there would be no votes cast because I cannot conceive of an election being conducted without a list.

Mr. BOYS: The friend of the voter must be on the list and must be an elector?

Mr. NEILL: The affidavit is that the voucher is on the list. It will not be hard on anybody to put this provision in.

The next point I have refers to old section 34, subsection 5, at page 398 refers to rule 5, of schedule B. The new schedule No. 5 does not now contain the appropriate reference. Old section 45, 4-B, at page 408, requires the returning officer to send the list of the deputy returning officers to each candidate the day before the election. It should, and can be done sooner. The same objection to old section 47, page 1408; it requires the returning officer to give a list of the names and addresses of the deputy returning officers and poll clerks on the day before the election. There is no reason in the world why it should not be ten or twelve days before.

The new form, on page 185, of the 1929 act, should be, and must be altered by putting the word "Properly" after the words "are not," in order to make it conform with section 64 as amended in the House. When this came before the

House I proposed putting in the word "properly," and it met with universal acceptance, but I note the alteration in the form has been omitted.

Mr. KELLNER: As to forwarding lists sooner I am certainly surprised that is not in the act. I am sure it was in the general process of last year, and it was advanced in committee that we should include it. I think it is a case where we should have the minutes of last year.

The CHAIRMAN: We may have omitted that.

Mr. NEILL: I think probably there is only one other point that I have to suggest, and you may have touched upon it, but I wish to refer to this question of campaign funds. It is really not the question of campaign funds, but campaign funds returns. I went to a friend of mine, who was the returning officer, and he said, "You will have to make a return of your campaign expenses, if you don't you will be unseated." I said, "Well in that case I will put it in, but I suppose you will make the other fellow do the same." He told me that they could not make the other candidate make such a return. However, on one occasion I did get my opponent to put in a return, and in answer to the question, where did he get the money, he said, "I got $5,000 from J. Smith and others." That is no information at all. If it is going to be a return of any value every contribution over $50 or so should be shown, and from whom. If you are going to have anything in the spirit of making this return effective, it must be done that way; if not, cut it out all together. It should also apply to all candidates, defeated, as well as successful.

Mr. KELLNER: We tried to do that, but found we couldn't.

Mr. BOYS: Would it not be a good thing to have Mr. Castonguay consider the points Mr. Neill has raised, and give us a report at the next meeting?

The CHAIRMAN: Will you do that, Mr. Castonguay?

Mr. CASTONGUAY: Yes.

Mr. FRANCIS KING, K.C. (Secretary of the Dominion Marine Association) called:

The WITNESS: Mr. Chairman, and gentlemen, I am very grateful for the opportunity to appear before you to-day, and say a few words on this particular subject. May I first state that I appear as general counsel for the Dominion Marine Association. This is an association of vessel owners, representing the great majority of Canadian and British ships doing business on the Great Lakes, from Fort William and Port Arthur down to Montreal, and includes passenger boats operating from Montreal further down the Saguenay.

In addition to the boats on the passenger service, it includes those engaged in the pulp trade on the St. Lawrence river.

Our interest in the immediate question is purely friendly. We are under no special relations with the men in connection with their franchise. I have not the slightest retainer from the men in question at present, and we are here in a friendly spirit. We discussed it on more than one occasion last year and perhaps in 1928 as well, and decided to assist them materially in their effort to obtain the franchise in Ontario. We have also carried on correspondence and had interviews with the members of the government of Quebec, and I feel sure that I am quite right in saying that we have aroused a feeling of friendly consideration in Quebec. It will be no surprise to me if the legislature of that province adopts that which we have already obtained in the province of Ontario. May I just say first what the situation is. You gentlemen are all familiar with the enormous extent of the operations of our fishing fleets, and the fact that the men are away from their homes and places of residence, for long periods. You know, also, of the great coastal trade on the Atlantic and Pacific coasts; the

large tonnage that is taken out of Canada on our vessels. With reference to the lakes and the St. Lawrence, with which I am particularly concerned, because our association represents boats trading in those waters, I wish to say there are between 250 and 300 boats engaged in carrying freight and passengers. The larger volume is freight for the whole extent of that particular route, and the men on those boats, while trading, are just as far away from the places where they should record their votes, as if they were on the other side of the world. There may be some idea that those engaged on the lakes would find it fairly easy to reach home and could easily be laid off for the purpose of recording their votes. With very few exceptions, where substitution may be made by the owner to allow a man to go, that man is necessarily on board his ship, and the running time of the ship is so important, the despatch so important, that those boats do not tie up at the dock even to take on a pilot, where it is possible for the pilot to be taken out to the ship by a motor boat. The delay is very serious in any case; for example, there was tremendous loss to the boats after the grain tie-up at Montreal last year. Some of our boats lost all their business through that. That, however, has nothing to do with the man on the ship. He must stay on board until the tie-up, and must remain on his particular route except for th regular ports of call. The men are unable to go ashore; a man living at Sarnia, for instance, and the boat operating between Fort William and Montreal, has no opportunity to get off at Sarnia.

In order to give you an idea of the number affected, say a crew would total 20 to 25 men, that is, from the master down to the oilers on an ordinary freighter, and you multiply that by the number of boats already given, you will find that you have between 5 and 10 thousand men disfranchised. They are men of substance; their work brings them fair salaries, and they maintain homes. We are speaking on behalf of those who are now without the voting power, and I am not asking for special consideration, but I consider we should have confidence in them, and they should not be denied the rights to which every citizen is entitled.

It was suggested at one time that the advance poll would take care of these men. We have the advanced polls in Ontario, and for some time you have had the advanced poll in the Dominion Elections Act. It is provided in that case, that a man could record his vote within three days of the election, and I think last year you amended it so that the vote might be taken Thursday, Friday night or Saturday afternoon, prior to the election. He might record his vote in person. The conditions of which I speak makes it impossible for the man on the boats to record his vote in the ballot box on election day. British Columbia has something else, and that is the absentee voting system. I do not propose to advocate that to you gentlemen, because I think I would be immediately met by objections that it is rather an open method that a man in a different electoral district should be able to ask for a ballot and there record his vote for John Smith or Jack Robinson in another electoral district.

By Mr. Kellner:

Q. I did not just catch that, do you mind repeating it?—A. Sections 106 and 107 of the British Columbia Act set out the provisions enabling a man to vote in a polling division other than the one in which he is registered, and to vote in an electoral district other than the one in which he is registered. A ballot is provided containing an affidavit as part of the ballot, actually endorsed on the ballot. He makes this affidavit and records his vote.

Q. I suppose a great many of these men you are speaking of live in places like Owen Sound. They get down to Sarnia on election day, and at Sarnia there would be different candidates entirely, for example, they might be labor

men?—A. Well, they do not vote for the man who is running in that particular division. They vote, as I understand it, for the man who is running in their own division.

The CHAIRMAN: For instance, the man from Vancouver who happens to be in Victoria would vote, under that system, for the man running in Vancouver.

The WITNESS: There are ballots provided in each division, and you apply for one of those special ballots, and you swear your vote in on this affidavit. Mr. Neill, who has just left the room, is familiar with it.

The CHAIRMAN: Mr. Ladner mentioned it last year.

By Mr. Boys:

Q. What about the Ontario act?—A. Before I come to the Ontario act, I want to say that Great Britain itself provides what we are asking for, and I have in my grip here copies of the application for a ballot paper in advance by a man who is entitled to vote as an absentee. He can have a ballot paper, and he can mail it to the polling division where it should be filed on election day; and there is also the provision which we are seeking, in accordance with the Ontario statute, that he may vote by proxy if the proxy obtains a special document in advance. So there is very excellent precedent for what is now proposed. That is the Representation of the People Acts, 1918 to 1922. I have not seen the recent amendments, but I have the forms, as in use there. All of these things were laid before the attorney general and members of the cabinet in Toronto, and private members interested themselves very much on behalf of mariners, with the result that the present statute of 1929 was adopted last year in Toronto, and gives just what I would ask this committee to consider favorably as an amendment to the Dominion Elections Act. It is a very simple procedure and seems to me to be very carefully hedged about with safeguards to prevent frauds or duplication of votes.

By Hon. Mr. Ryckman:

Q. If I follow you correctly, the Ontario provisions would be satisfactory to you?—A. Quite so, sir. We would have liked to have had perhaps an extension of the vote by proxy outside the immediate family, but we are not critical about that.

The CHAIRMAN: Mr. King, I would ask you to mark off in the statute of Ontario the sections which apply.

The WITNESS: Section 12.

Mr. BOYS: Section 2 and section 12.

The CHAIRMAN: It would be sufficient then to copy section 2 and section 12 into the record.

Mr. BOYS: Section 2 is merely the interpretation.

The CHAIRMAN: If we copy that into the record we would have the complete picture.

REVISED STATUTES, C. 8, S. 1, AMENDED

2. Section 1 of *The Election Act* is amended by adding thereto the following clause:

MARINER

(*ii*) "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 in any capacity on a mercantile vessel registered at a British port at the time of the issue of a writ for any provincial election.

86a. (1) Where the name of a person is entered on the voters list for a polling subdivision as entitled to vote at elections to the assembly and such person is a mariner he shall be entitled to vote by proxy as in this section provided.

(2) A mariner may appoint in writing (Form 20b) a proxy who shall be the wife, husband, parent, brother, sister or child of the mariner, of the full age of twenty-one years and an elector entitled to vote in the electoral district in which the mariner is qualified to vote.

TERM OF APPOINTMENT

(3) The appointment of a proxy shall name the person authorized to vote at an election for which a writ has been issued for the electoral district and no appointment of a proxy shall be valid unless it is made after the date of the issue of the writ of election nor shall it remain in force after the return of such writ.

APPLICATION OF PROXY TO BE ENTERED ON LIST

(4) A person who has been appointed a voting proxy may apply to the revising officer at the sittings held for the revision of the lists in accordance with the provisions of *The Voters' Lists Act* in the municipality in which the mariner is entitled to vote, to be entered upon such list.

EVIDENCE TO BE TAKEN BY REVISING OFFICER

(5) The revising officer shall take evidence on oath as to the right of the mariner to vote in the subdivision of the municipality upon the list of which his name is entered and as to the qualifications of the voting proxy, and if he finds that the mariner is duly qualified and that the voting proxy is qualified to act for him, he shall give a certificate across the face of the appointment of such voting proxy to that effect (Form 20*c*), and shall cause the name of the voting proxy to be entered on the voters' list after the name of the mariner.

NOT MORE THAN ONE PROXY

(6) No more than one person shall be appointed a voting proxy on behalf of a mariner at the same election.

OATH ON VOTING

(7) A ballot paper shall not be delivered to a person who claims to vote as a voting proxy unless he produces his appointment as a voting proxy to the deputy returning officer with the certificate of the revising officer thereon as provided in subsection 5, and takes the oath (Form 20*d*).

RECORD OF VOTING BY PROXY

(8) The deputy returning officer shall record in the poll book the fact that the mariner voted by proxy, showing the name of the proxy, and shall file the proxy and certificate with the election papers and return the same to the returning officer in the envelope provided for that purpose.

FORMS AND REGULATIONS

(9) The Lieutenant-Governor in Council may prescribe any further or other forms which he may deem necessary for the purposes of this section and may make regulations as to the mode in

which proxies may be given and generally for the better carrying into effect of the provisions of this section and preserving the secrecy of voting in pursuance thereof.

PROXY MAY VOTE IN OWN RIGHT

(10) A person who has been appointed as a voting proxy shall be entitled to vote in his own right in the electoral district notwithstanding that he has voted as a proxy for a mariner.

OFFENCES

(11) Every person who,—

VOTING AFTER APPOINTING PROXY

(*a*) attempts to vote at an election otherwise than by means of such voting proxy while the appointment of such voting proxy is in force; or

PROXY VOTING AFTER ANNULMENT

(*b*) votes or attempts to vote at any election under the authority of an appointment as a voting proxy when he knows or has reasonable grounds for supposing that such appointment has been cancelled or that the voter by whom the appointment has been made is dead or no longer entitled to vote,

PENALTY

shall be guilty of an illegal practice within the meaning of this Act and shall incur a penalty of $200 and shall be imprisoned for six months.

By Mr. Boys:

Q. I would like to find out whether or not, having studied the British Columbia system, the Ontario system and the British system, to which you have referred, you think the Ontario system is quite satisfactory to you.—A. I should say, yes. There are those in our association who would prefer the freedom of an absentee vote by mail. In fact, there are those who think that each ship might perhaps be constituted a polling division and a voting booth, and that the master make the returns, but I think that probably we would be imperilling the success of our petition if we were to ask for anything broader than this, which we feel gives the necessary protection, and gives us somthing that we have not got now.

By Mr. Bancroft:

Q. Is the definition of a mariner, as given, broad enough to include fishermen? It seems to me provision should be made to include fishermen as well.—A. Any man or woman who is serving in His Majesty's naval forces of Great Britain or Canada; a man or woman serving in any capacity on a mercantile vessel, registered at a British port, at the time of the issue of a writ for any provincial election.

Q. My point is, would that include fishermen?—A. I am expressing the view partly as a sailor and partly as a lawyer, and I should think it could fall into no other class than that of a mercantile vessel.

Mr. BOYS: There is one feature, which Mr. Kellner brings to my attention, and my question arises out of what he says to me, regarding subsection 2 of section 12. The persons who may cast a vote as proxies are defined, the wife,

husband, parent, brother, sister or child of the mariner. Mr. Kellner points out that it is just possible the mariner might not have any such relative in the division at all.

The CHAIRMAN: That is the objection Mr. King takes to the Ontario act.

The WITNESS: Mr. Boys is quite right.

By Mr. Boys:

Q. You would not care to make a suggestion amplifying that?—A. The party entitled to proxy must not only be within that category but he must also be on that particular list, and the father, mother, husband, wife, sister or child may be on another list altogether. It is the list in that electoral district, of course, but father and son are very often widely separated.

Q. Supposing we put in there, failing any such relative " any person on the list duly appointed "?—A. Yes, I suppose that would cover it.

Q. In the first place, he would have to secure a proxy of the class referred to if one of such class was available and on the list. Failing that, he would be given the right to appoint anybody residing, say, in his polling subdivision.—A. Mr. Boys is perfectly right. That is exactly my view, Mr. Chairman. I am sorry I missed it before. That was called to my attention by more than one of our members last year after the Ontario act was printed and circulated.

By the Chairman:

Q. In actual practice, how did the British system work out? We cannot ask you any questions about the Ontario system because no elections have taken place since this law was passed.

Mr. KELLNER: Yes, there was one last fall.

Mr. BOYS: A very successful one.

The WITNESS: There, Mr. Chairman, is the proxy application form used in Great Britain as supplied, I understand, by the government stationery office, and there is the claim to be placed on absent voters' list.

The CHAIRMAN: I think we had better copy them into the record. The provisions of the Ontario act were tried out. Have you any means of informing the committee as to just how many votes by proxy were polled at the last election?

The WITNESS: I cannot say, Mr. Chairman, I have no record.

The CHAIRMAN: Mr. Boys, who would be able to inform us as to the number of votes which were polled by proxy at the last Ontario election? That information might be of some value.

Mr. BOYS: I think you can get that from the officer in Toronto.

The CHAIRMAN: Would he have those returns compiled as yet?

Mr. BOYS: Oh, I think so, but I do not know for certain.

The CHAIRMAN: Is it worth while asking the clerk to write to him for that information?

Mr. BOYS: It might be well to ascertain to what extent mariners availed themselves of this privilege.

The WITNESS: That record will not be very satisfactory or complete, because the passenger boats are out of commission; the crews have gone home, and the freighters are lying in port waiting until the wheat pool has got through with its argument—

Mr. BOYS: I do not think it would help us an awful lot. Take the ordinary election, take the number of people that are on the list that do not vote. The main thing here is to give the mariner a chance to vote and not let him say that

our machinery in incomplete, that it is impossible for him to exercise his franchise. I think we ought to do what we can to avoid that criticism of the act.

The CHAIRMAN: We might run up against this criticism—I do not suppose it would be a criticism—that we are discriminating in favour of lake mariners as against the deep sea men who may be in Australia or South Africa or the Old Country, and who do not have the time necessary to make the necessary arrangements for proxies. But that is not an objection against it; it is not an argument against it.

Mr. BOYS: You might as well say if a man takes a trip to Europe he misses the election. If that is all, Mr. Chairman, Mr. Thompson who represents East Simcoe, in which there are a number of places like Midland, Port McNichol and so on, where there are a number of mariners, would like to say a word or two to the committee.

The CHAIRMAN: It might be well to insert here those two documents referreing to the representation of the People Acts, 1928-1922, handed in by Mr. King.

R.P. 27.

CLAIM TO BE PLACED ON ABSENT VOTERS LIST.

REPRESENTATION OF THE PEOPLE ACTS, 1918-1922.

To the Registration Officer
for the Constituency of.....

Address.....

.....

I,**..... ** *Here state names in full.*

being a person entitled to be registered as a Parliamentary elector for the above constituency in respect of qualifying premises at*..... * Here give postal address, stating registration unit where possible.

.....

.....

.....

hereby claim to be placed upon the absent voters list on the ground that there is a probability that owing to my occupation [service] [employment] as

.....

.....

I shall be debarred from voting at a poll at parliamentary elections held whilst the register now being prepared is in force.

† ..... † Here may be inserted any additional particulars in support of the claim.

.....

Date..... Signed.....

Present Address.....

Address to which communications are to be sent (if different from present address). .....

If this Form is sent to the Registration Officer by post, postage must be prepaid.

M2588/76 28/8/25 9,500 MC&C 13

4960—2

PROXY APPLICATION FORM

(See Instructions on the other side)

To the Registration Officer—

The Elector *must* insert here his sur name and other names in full. } I.....

state that there is a probability that I shall, at the time of a Parliamentary election, be at sea or out of the United Kingdom, and that I desire to appoint as proxy to vote for me at any such election the person nominated below as First Choice or (if he or she is not qualified or is unwilling to act) the person nominated below as Second Choice.

Person to be Appointed Proxy. (See Footnote).

The Elector *must*

Names of *First Choice*.....

Postal Address of First Choice.....

.....

Relationship, if any, of First Choice to Elector..... } .....

2. The Elector should fill this up, as the First Choice may be unwilling or not qualified to act.

Names of *Second Choice*.....

Postal Address of Second Choice.....

.....

Relationship, if any, of Second Choice to Elector..... } .....

3. The Elector should fill this up to the best of his ability.

Postal Address of Premises for which Elector is Registered } .....

.....

I apply for the issue of a Proxy paper appointing as my proxy the person, or one of the persons, nominated above, and in the event of any further information being required by the Registration Officer I hereby authorize

4. The Elector should enter here the names and address of some person in the United Kingdom who can supply any further information required, in case the Elector is sea or abroad. The person so authorised may be one of the persons nominated above as proxy.

Names.....

Postal Address.....

.....

to make an application giving such further information as may be necessary to enable a proxy paper to be issued to the person or one of the persons nominated.

The Form must be properly signed, witnessed, and dated.

Signature of Elector.....

If Elector is in the Forces, give number any), ship, unit and corps, rank, rating etc.
If not in the Forces, state nature of occupation, *e.g.*, merchant seaman, commercial traveller.

Service or Occupation of Elector } .....

This need not be given if Elector is in the Forces.

Elector's residence in United Kingdom or other postal address in United Kingdom to which letters for him may be sent. .....

The Witness must be a person to whom the Elector is known, and, if the Elector is in the Forces, should, if possible, be an Officer

If Witness is in the Forces, state number (if any), ship, unit and corps, rank, rating, etc.

Witnessed by.....

Service or Occupation of Witness.....

This need not be given if Witness is in the Forces and Service particulars are given.

Postal Address of Witness.....

.....

Date.....

N.B.—*If the Elector is serving in the Forces, he may hand the Application Form, when properly filled up, to the Accountant Officer of the Ship or Naval Establishment, or to the Commanding Officer of his Unit, who will thereupon arrange for its being forwarded to the appropriate Registration Officer. If the Elector is not serving in the Forces, he must deliver or post the Form in an envelope addressed to the Registration Officer for the County or Borough in which he is registered. If he does not know the County or Borough, he may post the Form to the authorised person named in paragraph 4 above, requesting that person to forward the Form to the proper Registration Officer.*

WHO MAY BE PROXIES.—A person to be proxy must be the wife, or husband, or parent of the elector, or a brother or sister over 21 years of age, or must be some person registered as a parliamentary voter in the same constituency as the elector; but a person not so related to the elector cannot vote as proxy for more than two electors in a constituency.

186. Wt.9699/42. 8/20. S.O., F. Rd.
7107. Wt. 9699/42. 205,000. 8/20. I. Bousquet. 6458.

R.P. 36.
(*Revised.*)

REPRESENTATION OF THE PEOPLE ACTS, 1918 TO 1920.

Instructions to Persons Desiring to Appoint Proxies to Vote at Parliamentary Elections

1. Absent Voters.—The names of "naval or military voters" (*i.e.*, persons serving on fu pay in the Navy, Army or Air Force, and other persons on war service afloat or abroad), on their being registered as electors, are placed on the absent voters list as a matter of course. Other electors whose occupation, etc., may prevent them attending the polling place to vote at Parliamentary elections may have their names placed on the absent voters list on making claims for the purpose; such claims must be made every half-year except in the cases of merchant seamen and fishermen.

A ballot paper will be sent to an absent voter in this Country who has not appointed a proxy, so that he may vote by post, but ballot papers cannot be sent to addresses outside the Unite Kingdom.

2. Who May Appoint a Proxy.—If your name is on the absent voters list and there is a probability that you will, at the time of an election, be at sea or out of the United Kingdom, you can make an application to the Registration Officer in the form on the other side for the appointment of a proxy to vote for you at Parliamentary elections.

3. Powers of a Proxy.—A person appointed as proxy will be able to vote on your behalf at a Parliamentary election, but not at a Local Government election, and while the appointmen is in force you will not be able to vote yourself at a Parliamentary election. The proxy mu produce at the polling place the proxy paper issued by the Registration Officer entitling him to vote for you.

Neither the Registration Officer nor the election officials can be responsible for the way in which your proxy votes. It is for you to give your proxy any instructions you think necessar as to the way in which he is to vote on your behalf.

4. WHO MAY BE APPOINTED PROXY.—The person appointed to be your proxy must be either you wife, husband or parent, or a brother or sister over 21 years of age, or a voter in the same constituency as yourself; but a person not so related to the voter cannot vote as proxy for more than two voters in any constituency.

5. HOW TO APPOINT A PROXY.—In the application the elector must insert his own name and the name of the person whom he desires to nominate as proxy. It is desirable that the name of a second person should be inserted, as the first may not be qualified or willing to act. The elector must sign the application in the presence of a witness to whom he is known, and the witness must also sign the form and state his address.

In all applications it is desirable to insert the name and address of an authorised person in this Country who can give further information to the Registration Officer.

If you are a naval man, you should hand the application to the accountant officer of your ship or establishments, or if you are an airman, to the commanding officer of your unit, and the officer, after seeing that the particulars of registration are correct, will forward the form to the Registration Officer.

If you are a soldier, you should hand the application, when completed, to the commanding officer of your unit, who will send it to the Record Office to verify the constituency and qualifying premises and forward it to the Registration Officer.

An elector not in the Forces, if he knows his constituency and qualifying premises, should deliver or post the application in an envelope direct to the Registration Officer; but if he is uncertain about these particulars he should send the application to the authorised person named in paragraph 4 of the form of application, with instructions to forward it to the proper Registration Officer.

If for any reason it is not possible for the Registration Officer to issue a proxy paper in accordance with the application he will send you a notice to that effect.

A proxy paper issued in accordance with the application will be sent by the Registration Officer, unless you instruct him otherwise, direct to the person appointed as proxy, so that it may be available for use without delay.

6. DURATION OF APPOINTMENT.—A proxy paper, unless cancelled by you, will remain in force so long as you continue to be registered in respect of the same qualifying premises and your name is on the absent voters list.

7. CANCELLATION, ETC., OF APPOINTMENT.—If you desire to cancel the appointment, you can do it by writing to the Registration Officer of the County or Borough in the following terms or to the like effect:—

I,.....

being registered as a Parliamentary elector in respect of the following premises*.....

.....hereby cancel any proxy paper issued in respect of the above qualification.

Signed.....

†Witnessed by.....

Date.....

If the person appointed as proxy for you dies, the proxy paper will become void, and, on giving notice of the death to the Registration Officer, you can make, a fresh application for the appointment of a proxy without any formal cancellation of the original paper. If you wish to change the person appointed as proxy for you it will be necessary for you to cancel your previous appointement and make a fresh application for the appointment of another proxy.

---

*Insert address of qualifying premises, including, if possible, the county, or borough, or parish, as the case may be.

† The witness should be some person to whom the elector is known, and in the case of a sailor, soldier or airman should if possible, be an officer.

Mr. A. B. THOMPSON, M.P.: Representing the riding of East Simcoe, Mr. Chairman, and having in my riding a number of lake ports on Georgian Bay, the chief of which are, as Mr. Boys said, Midland and Port McNicol, I have received a number of communications by sailors and have also been personally spoken by a number who advocate the adoption of the Ontario Act, that it should be put into the Dominion act.

Perhaps the disabilities under which our sailors are labouring at present could not be better put before you than by my reading this short letter that I have here. The letter is from the master of the steamship, *Donnacona*, and is dated 9th of July, 1929. It is addressed to myself.

> "Dear Mr. Thompson,—
>
> I have been a sailor on the Great Lakes for the past twenty-five years, and am at the present time master of the steamer, *Donnacona*. I have resided at Midland all my life, and have paid taxes on property for about fifteen years, also income tax for a good many years, and have never as yet had an opportunity to vote.
>
> My idea in writing you is to let you know that I consider it is an injustice to myself and all other seamen, that we are not allowed to vote. We are practically disenfranchised under the present election rules. I can assure you that anything that you can do to remove this injustice will be greatly appreciated by myself and all other seamen.
>
> Yours very truly,
>
> J. H. Hudson."

That explains the situation. These men earn good salaries, and they go from place to place in our inland navigation system, and they get to know something about our country. They take an active interest in all public matters, and I think there is an injustice there, and it is up to this committee to remedy it.

The CHAIRMAN: Mr. Telford, of Grey North, has been speaking to me on a number of occasions during the last two or three years. Perhaps we might ask him if he cares to make representations to the committee at another sitting, along the same lines. I will mention the matter to him, and find out if he wants to appear before the committee. I know he had a complete scheme of a special ballot which could be mailed. Perhaps we might consider that also when we come to discuss this matter.

Hon. Mr. RYCKMAN: Mr. Chairman, I would merely like to add that I received a letter from a lake sailing mariner, whom I did not know, couched in very intelligent terms and stating that he had been deprived of his vote. He said that he was a house-owner, and that provision had been made in the Ontario Act, and asked me if I would not use what effort I might to have a similar provision placed in the Dominion Elections Act. I replied to him that I would.

Now is the next sitting of the Committee Thursday afternoon?

Mr. BOYS: To-morrow. There is nothing special in the House. What about to-morrow morning?

The CHAIRMAN: I have the Pensions Committee, but it does not make much difference.

Mr. BOYS: There is a very important suggestion of yours before that Committee, I understand, and you would want to be there.

The CHAIRMAN: Perhaps you would like a continuity of rulings. Next Thursday afternoon probably would be satisfactory. If we get through with

the statement which Mr. Boys proposes to make and with the question of the taking of evidence, we might go on with the work which we were supposed to do this year, the amendments to the Act suggested last year.

Mr. KENNEDY: What time do you suggest the Committee should sit on Thursday afternoon?

The CHAIRMAN: Four o'clock.

The Committee adjourned until Thursday, April 3, 1930, at 4 p.m.

SESSION 1930

HOUSE OF COMMONS

MINUTES OF PROCEEDINGS AND EVIDENCE

OF THE

SPECIAL COMMITTEE

ON

DOMINION ELECTIONS ACT AND CORRUPT PRACTICES INQUIRIES ACT

No. 4

THURSDAY, APRIL 3, 1930

WITNESSES:

Capt. Baker and Richard Myers, representing the Canadian National Institute for the Blind; Mr. Telford, M.P.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1930

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,

THURSDAY, April 3, 1930.

The committee duly convened at 4 o'clock p.m.

Mr. Power presiding.

Members present: Anderson, Bancroft, Black, Bothwell, Boys, Cannon, Cantley, Girouard, Kennedy, Laflamme, McPherson, Power, Ryckman, St. Pere, Totzke.

The question of reporting, raised and discussed at some length at the preceding meeting, was again taken under consideration.

A memorandum relating to this subject, prepared by the Clerk of the House, was read by the chairman and incorporated in the minutes of evidence.

After protracted discussion it was decided that with respect to the proceedings of the meeting of April 2, and of this and subsequent meetings, the discussion as well as evidence should be reported and printed, subject to any variation of such practice, from time to time, as may be decided upon by the committee.

Mr. Boys referred to a certain Return of documents ordered by the House, being a Return showing the names and addresses of all returning officers appointed to date; also a copy of all letters, telegrams and other communications, received by the Chief Electoral Officer or any member of his staff, recommending the appointment of any person to the position of returning officer; also copy of of letters, telegrams and other communications sent by the Chief Electoral Officer or any member of his staff, inquiring as to the qualifications of persons suggested for the position of returning officer.

Discussion took place as to whether this Return could or should be considered to be before the committee.

By unanimous consent it was agreed that any member of the committee might use the contents of the said Return.

Captain Baker and Richard Myers, representing the Canadian National Institute for the Blind, appeared before the committee and urged amendments to the Dominion Elections Act with respect to the procedure for voting of blind electors.

Mr. Telford, M.P., attended before the committee and made representations for the adoption of the Ontario law for the voting of mariners by proxy.

The committee adjourned till Tuesday, April 29, at 10.30 a.m.

A. A. FRASER,
Clerk of Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,

THURSDAY, April 3, 1930.

The Special Committee appointed to consider the Dominion Elections Act met at 4 o'clock p.m., the Chairman, Mr. C. G. Power, in the chair.

The CHAIRMAN: Resuming the debate on the adjourned discussion on the reporting of proceedings, Mr. Boys.

Mr. BOYS: Perhaps, Mr. Chairman, you have come to the conclusion that they should be reported.

The CHAIRMAN: I may say that I have consulted Mr. Beauchesne, and he showed me the statement that he had prepared on it. I read the statement, but I have forgotten what was in it, mostly. However, it was to the effect that it is a well-known rule of the house, and has been the subject of discussion, I think, in all committees for many years, as to just what should be reported. That is the sum and substance of it. I will get it for the next meeting, if you like, but the conclusion is that Mr. Simpson, the editor of debates, thinks that this is a matter which should be cleared up by the house at some time or other.

Mr. BOYS: I would suggest, Mr. Chairman, that pending some direction from the house it might be in order to have some discussion. And just so that I may get some precedent for the stand I took I secured a copy of the report of the Pensions Committee for 1928, of which I believe you were chairman. It may be that I had the good fortune to turn to a few pages which, I think, support the proposition I advocated the other day. Maybe if I looked more particularly I would find a lot more. I will be quite frank and say that I did open it at this page, and here it was. I have since looked at a few more pages, and did not find very much which bears me out to the same extent as the page at which the book opened. Here it is, page 404, and, starting at the middle of page 404 clear through to page 407 there is hardly a word from anybody except yourself and members of the committee.

That would almost justify me in suggesting that we should permit members,—perhaps not to take up a tremendous lot of time in making long speeches, but at all events to make a statement or two which they may think would have some bearing on the matter under discussion. I will be quite frank and say that it is not my desire to make long speeches or long statements, but that is the question we have to settle first before we know where we are at.

The CHAIRMAN: Even with respect to the Pensions Committee, discussion was omitted on many occasions in the stenographic reports and in the records which came to me. If discussion appears at some time or other in the records, it was in all likelihood because either the Chairman or the clerk of the committee neglected to tell the reporter, "Don't take this," or, after having been taken, the Chairman neglected to ask that it be omitted. There is a well-known rule.

Mr. BOYS: You read the decision made in 1927.

The CHAIRMAN: Mr. Beauchesne gave me a statement from Mr. Simpson to the same effect.

Mr. BOYS: My point is that it has not been regarded. It does not come from the house.

4961—2½

The CHAIRMAN: Here is one, in 1927, to the Chairman of the Committee on Banking and Commerce:

> DEAR Mr. JACOBS,—Under a special rule passed in 1910, for the guidance of committee reporters, it is provided that speeches and discussions are not to be taken down in shorthand in the Standing or Select committees of the house. Our staff is not sufficient to meet the requirements of these committees if they decide to report their debates '*verbatim*'.
>
> The matter was brought to the attention of the Commission of Internal Economy at a meeting held on Wednesday, the 9th instant, and it was decided to adhere to the 1910 rule, and to advise the chairman of committees accordingly. As you are presiding over the Committee of Banking and Commerce you are interested in being informed of this decision.
>
> I know that the discussion has been taken in shorthand so far, but is is not yet transcribed. If it is not absolutely necessary to have it copied, you may perhaps come to the conclusion that it need not be taken down in shorthand in the future.

These decisions appear to be fairly continuous and constant over a period of time.

Mr. BOYS: But disregarded, that is the trouble.

The CHAIRMAN: Disregarded, more or less.

Mr. BOYS: I have no doubt I can get you more.

The CHAIRMAN: By reading over the reports of any committee you will find innumerable instances where discussion was taken down. The rule has not been strictly adhered to. Very often, I think Mr. Fraser will tell you, in the course of discussion he will say to the reporter, "Don't take this down." Other clerks of committees and chairmen of committees have done the same thing. It is something that has been left more or less to the discretion of those looking after the committee.

Mr. BOYS: I would think, Mr. Chairman, if there was any case in which there might be a departure from the rule it would be in a matter of this kind where we are dealing with our own election machinery, with our own officials and not perhaps with soldiers' problems, and so on, where after all, I suppose, all the committee wants is evidence on which to base a report. It seems to me that where a member desires to express his views, in a committee of this sort, he should be able to do so, so that everybody interested may know the stand that was taken and the stand that may be taken. As far as I am concerned, I want to make any statement I have to make right in this committee, and if I cannot make it here I shall have to take some other course. That is not the sort of thing I like to do at all. My attitude is that the very basis of our work has been disregarded, and I want an opportunity of explaining my views, and I will certainly regret if that opportunity is not to be given, and if a majority of this committee is to decide against it.

The CHAIRMAN: I am in the hands of the committee. If the committee instructs me to report to the officers of the house, that is, the Speaker and Mr. Beauchesne and others who have to do with the Commission of Internal Economy, that it is the wish of this committee that all discussion be printed, I will be glad to do so.

Mr. KENNEDY: I do not think that rule has ever been thoroughly observed.

The CHAIRMAN: Nobody is claiming that.

Mr. KENNEDY: It is impossible, because you cannot possibly have a reporter decide in these committees just what is discussion and what is not.

The rule has simply been applied in a general way. I would like to say that we have not applied the rule even in this committee, because if you will turn to page 24 of No. 2 you will find there quite a discussion between the Solicitor General and Mr. Boys. It is absolutely impossible the way the committee has been conducted—and I am not blaming anyone—to take down all the discussion, because I have heard, on many occasions, three or four members talking at the same time. Why could we not have this compromise; if a member feels that he has a statement to make, which is of importance, let him make it, and not ask that every word be taken down, because I do not believe there is a reporter in existence who could possibly take down everything that is said in a committee of this kind, unless we are very much more formal in the conduct of our committees than we have been.

Hon. Mr. CANNON: I think that is fair, but what about adding to your suggestion, that after the member has made his request, that whatever statement he wishes to make be taken down, and the committee, the statement having been made, comes to the conclusion that it should not be made an exception, then it might be deleted afterwards.

Mr. KENNEDY: I would not like to say that we should decide that.

Hon. Mr. CANNON: I am not saying that in connection with Mr. Boys' statement, because I am quite sure that if Mr. Boys makes a request that it be taken down, then it would be important. I have full confidence in his judgment.

Mr. KENNEDY: What we did two or three years ago in a committee similar to this, when we had a little dispute we went on and tried out a certain rule; we went through the whole session without any trouble, and I should like to see that tried out here.

Mr. BOYS: I do not want it to be understood, Mr. Chairman, that I am asking for any special favours. I am not asking for something that I would want to deny to anyone else. There are other members of the committee who want to express their opinions. I appreciate the suggested courtesy, but I could never go on upon the understanding that it is a special courtesy extended to me with the right later on to delete it from the record.

The CHAIRMAN: Is it your suggestion, Mr. Boys, that we endeavour to arrive at some arrangement whereby these reports will be taken down verbatim, or is it not?

Mr. BOYS: In the first place, I think we are making a mountain out of a mole hill. I am not given to extended speeches at all, and I do not think anybody here is going to take up a lot of time. I think the whole thing will cover probably eight or ten pages, probably not more than twenty pages on the part of all members. It is a trifling matter. We have certain views. I am willing to be more definite in my views now, if the committee want to know what is in the back of my head.

The CHAIRMAN: This matter, I dare say, has come to the attention of Mr. Beauchesne, because he gave me a written statement in case the matter was brought up before the House, as to the custom which prevails in committees, as far as he knew. I would like to know, for my own instruction, just what our status is. If this committee decides that we are going to go ahead and report verbatim, or as nearly as we can verbatim, or, as Mr. Kennedy has pointed out, if we are going to let the reporter take whatever appears to him to be what is important, we will do so until such time as I am checked up, but when I am checked up I want the committee to take the responsibility; that is, if I am checked up by the Commission of Internal Economy, or by the Clerk.

Mr. BOYS: Does the Clerk of the House control the proceedings of this committee?

The CHAIRMAN: It is a matter of the discipline of the house, that is, the Commission of Internal Economy. It seems to be a matter that has been discussed in these committees for years. This is not the first time it has come up. It comes up almost every year, and apparently no one ever gets anywhere. I do not care if we bring the house to any conclusion on it, or if we establish the precedent that from now on all debates be reported as they are in the House of Commons. It is not my ruling at all.

Mr. BOYS: Where did that ruling come from that you quoted a minute ago?

The CHAIRMAN: The Commission of Internal Economy.

Mr. MCPHERSON: I was just thinking along the line of Mr. Kennedy, when he got up. There is a certain amount of discussion by committee members that has to go in, in order to give any sense to the evidence at all, to start with, and I think, in addition to that, there are times when a member of the committee wants to put his views definitely on record. At the same time I do not think this is a committee where we, as members, are supposed to make speeches on the subject. I think we would be quite safe to go along taking the general run of comments as they come up in connection with the evidence, and if there is any sign that somebody is overstepping what some member thinks is being done, by too long a speech, he should call him to order. There is no real reason in this committee for long statements to be made, except on rare occasions, and I do not think we should clutter up the report.

Mr. KELLNER: An offence which has never been committed in this committee. I think, perhaps you will agree, that I made some most important remarks the other day, and there is not a word of it in the report.

Mr. BOYS: You spoke about seven minutes; made a little speech, and there is not one word reported.

Mr. MCPHERSON: I would not expect, when we take evidence, that every thing arising in discussion should be reported. I think whatever is necessary to make the report readable, sensible, and understandable, is put in by the reporters. I understood that was the practice, and I do not think it is overdone.

Mr. BOYS: Why are we having this discussion? It is because of the ruling of the chair, and when you get discussion of this kind participated in that way, and the ruling is not entirely acceptable to all the members, perhaps it is in order that that should be permitted. The members should be permitted to state why they do not like to accept the ruling, but that is quite another ground from what we have been arguing.

The CHAIRMAN: After all, the function of the committee is to prepare and make a report for the House, and it is not to have this discussion reported for the purpose of being printed or otherwise. We are supposed to be a deliberative body, to prepare a report.

Mr. BOYS: Upon the evidence we hear; that is our main function.

The CHAIRMAN: That is our main function.

Mr. BOYS: We reached a certain conclusion last year as to what shall be done for certain high purposes. We get that now, and having learned something of what has transpired in the interim, some of us do not think the spirit or intent was caught and carried out. Surely in the beginning we have a right to discuss that.

The CHAIRMAN: There is no attempt being made to limit discussion, the whole question arises over reporting.

Mr. BOYS: I am not going to camouflage it at all.

The CHAIRMAN: There is no camouflage.

Mr. BOYS: I admit frankly I want to present the views from a party standpoint;—I will make it as plain as that—to be taken down so that those who have entrusted me to act as one member of the committee, will know the views I have expressed, the stand I have taken, and what has been done about it.

The CHAIRMAN: That is a plain statement.

Hon. Mr. CANNON: What about proceeding along the line mentioned by Mr. Kennedy in the committee. Let Mr. Boys make his statement and have it taken down, then if the officials do not like the way we have acted to-day, we will decide otherwise.

Mr. KENNEDY: Any member can make a statement and have it taken down.

Mr. BOYS: I want to hear the Solicitor-General on the question.

Mr. GIROUARD: I do not believe discussion or statements made by members should be transcribed, because anybody who wants to make a speech will be able to do so when the report of this committee comes before the House of Commons. At that time anybody who wishes to make remarks can do so and they will be reported in Hansard, so why duplicate the work of the House, or have any discussion in committee transcribed and printed in our reports. When a member makes a statement on any question he gives his reasons requesting so and so be done. He expresses himself merely to the members of the committee, and I am sure he would not wish the outsider to read what he has said. What he says in committee is for the purpose of trying to influence his fellow members to agree to what he is suggesting. If I speak I want to influence the members of the committee to my way of thinking but I do not think it is necessary, or in the interest of this committee that everything I might say, or what other members might say, should be transcribed. I do not think any useful purpose would be served by having everything transcribed.

Mr. BOYS: But some of the members might not be in the committee at the time and would miss the opportunity of hearing your speech, and if reported they would read it in the report of the committee.

Mr. KENNEDY: Mr. Chairman, for our last meeting, and the proceedings to-day, you undertook to accept the risk of having everything taken down and printed for the next two meetings.

The CHAIRMAN: Yes, so let us go ahead. I would like to justify myself by reading this report received from Mr. Beauchesne:—

Reporting of Committees

In connection with the reporting of committees of the House, conflict is constantly arising between the order of the Board of Internal Economy that evidence only shall be reported and the directions of committees, through their chairman, that discussion also shall be made a part of the record.

This question goes back as far as 1906 when, upon the organization of the Official Committee Reporting staff, the then Clerk of the House, Dr. Flint, following the well-established practice, verbally instructed the reporters that evidence only was to be reported. As time went on the observance of this rule became lax, the reporters always being anxious to meet the wishes of the chairmen and members of committees. On November 15, 1910, an occurrence in one of the committees again drew attention to the matter, and Dr. Flint issued the following written instructions to the Committee Reporters:

"The members of the staff of official stenographers to committees of the House are hereby instructed that their duties are limited to the reporting of evidence given before such committees. Beyond the mere

noting of objections raised and the chairman's ruling thereon, which is necessary to render the record intelligible, discussions in committee are not to be taken down in shorthand and transcribed."

On frequent occasions thereafter the question came up and the files contain a number of letters indicating the perplexity of the Editor of Debates and the Chief of the Committee Reporters in the face of a situation which offered them the alternative of disobeying the definite instructions of the Speaker of the House and the Board of Internal Economy, or defying the orders of the Chairman of Committees.

The staff was organized on the basis of reporting evidence only together with such parts of the proceedings as were necessary to make the report intelligible. When it was represented that special circumstances would warrant the reporting of statements and addresses by experts and others called before committees authority was obtained from His Honour the Speaker or the Clerk of the House for the relaxation of the rule. But in recent sessions there has been an increasing tendency on the part of chairmen and members of committees to insist upon verbatim reporting of discussions and speeches in addition to evidence and also to require the daily issue of the report in print in the same way that Hansard is issued for the proceedings of the House of Commons. It will be apparent that with the multiplication of committees and the practice of holding simultaneous meetings this might become a very serious matter in point both of expense and personnel.

Three years ago the question was again brought to the attention of the Honourable the Speaker, who in a communication addressed to the then Editor of Debates, Mr. A. C. Campbell, dated March 27, 1924, reminded him that in accordance with the rule laid down by Dr. Flint, "the work of the committee staff is confined to the reporting of evidence taken before the committees, and that the reporting of discussions is not permitted."

In 1926 the Clerk of the House had occasion to repeat these instructions, pointing out that the rule to be followed was of long standing and very clear, namely, that "the shorthand reporters are not supposed to be called in unless the committee wishes to report the proceedings and evidence; they are not to take down discussions unless power to report them has been given by the House."

Notwithstanding this definite direction the rule has been constantly varied and relaxed to the extent that under directions of chairmen meetings the proceedings of which consisted entirely of discussion and at which no evidence was taken have been reported.

In 1927 the matter again came up. On March 9 of that year the Honourable the Speaker sent the following letter to the Editor of Debates, the official under whose direction the work of the committee reporters is done:—

OTTAWA, March 9, 1927.

GEORGE SIMPSON, Esq.,
Editor of Debates,
House of Commons, Ottawa.

DEAR MR. SIMPSON: The Commission of Internal Economy held a meeting to-day and took up the question of having evidence reported in the standing and special committees. The Commissioners were unanimous in the opinion that the rule laid down by Dr. Flint, late Clerk of the House, should be observed. It must be therefore understood that beyond the mere noting of objections raised and the chairman's ruling thereon, which is necessary to render the record intelligible, discussions in committee are not to be taken down in shorthand and transcribed.

Yours very truly,

RODOLPHE LEMIEUX,
Speaker of the House of Commons.

That is the final order on the subject and the committee reporters have been doing their best to carry it out.

The matter would appear to be one for determination by the House. The question as to the committees to be reported, the extent of the reporting, the relationship of the chairmen of committees to the reporting staff would obviously be made the subject of a rule of the House. If there is to be unlimited reporting in committees provision will have to be made for both the service and the cost. With simultaneous sittings (sometimes as many as three or four committees a day) and a general demand for daily copy, a greatly augmented reporting force will have to be provided. The situation is further complicated by the scarcity of reporters capable of doing this class of work and who are available at short notice. In the past private reporting firms such as the Butchers in Toronto have co-operated, but these firms, in common with the reporting services of the House of Commons, are finding great difficulty in maintaining and recruiting their staffs. The fact that committee meetings are bunched in the middle of the week and are frequently held on short notice adds also to the difficulty of taking care of the reporting.

(Sgd.) ARTHUR BEAUCHESNE,
Clerk of the House of Commons.

That letter is filed. We will now proceed with the adjourned discussion arising out of which Mr. Boys wishes to make a statement.

Mr. BOYS: I think there is a misapprehension, I understood we were going to let it stand to-day; that we were going to decide if discussion was to be permitted, and if so, take the matter up later. Mr. Hanson wants to be present and he mentioned this to me. He could not be here to-day, and I told him we would just reach the decision, and I would ask the committee to take this up to-morrow morning if possible. I would be pleased to meet them then, and there are other members in the same position as I am.

Mr. TOTZKE: I understood we were not going to meet Friday.

The CHAIRMAN: To-day we are to discuss two things; first the reporting of the discussion in the committee and secondly, the general discussion of the point raised and the ruling made upon it at the first meeting. Now we have to a certain extent decided upon the method of reporting, have we not?

Mr. BOYS: I think so.

The CHAIRMAN: That is out of the way.

Mr. BOYS: The door is open for the moment.

The CHAIRMAN: The next thing we wish to discuss further is the ruling of the chair.

Mr. BOYS: There is that, and another thing; as you know, a return has been made to Mr. Gardiner's motion, and as a matter of fact, I have it on the table. That practically was the return that was sought in this committee. Strictly speaking, that return is not before us, but perhaps we can have it understood that it is before the committee without going back to the House for any instructions. I have it here, and it is exactly what we want. It has the very list of recommendations and the representations, and I have only one comment to make. I would like to know whether, through an oversight or, to use the word I used before, whether it was deliberate, that a certain communication has been included. I fully agreed with the decision of the chair upon Mr. Castonguay's request that anything marked "private and confidential" should not appear, but strangely, there is one certainly marked "private and confidential". It is a communication from one of our own members. I

have not mentioned or consulted with him, but I do not think he will give a rap whether it should stay in the return or not. Notwithstanding that ruling, I would like to know if that letter has been included by an oversight.

Mr. TOTZKE: Is it your idea, Mr. Boys, in filing that return with the committee, we can make use of it? We have not got the authority but it is now on the table of the House, and can be used by this committee.

Mr. BLACK *(Yukon)*: It is public property; it can be used by the committee. We do not need any direction from the House.

Mr. BOYS: We cannot go beyond the bounds of that reference; that particular feature was not referred to this committee. We asked Mr. Castonguay for that information and it was refused. After the refusal it was persisted in and the refusal was upheld by the chair, but strange to say, the same officer, perhaps acting under instructions from higher authority, has produced it to the House.

The CHAIRMAN: The ruling of the chair was to this effect: that the chief electoral officer in the exercise of his discretion, appointed returning officers, and in my opinion he need not, unless he so decided, be called upon to give any explanation as to why he appointed these returning officers, the motives that actuated him in appointing them, or from whom he obtained the recommendations. That was my ruling, and I maintain it is good sound law.

Mr. BOYS: The point that we were quarrelling about is that dealing with the recommendations. He has produced the information to the House of Commons.

Hon. Mr. CANNON: The point we discussed last day, as the chairman just remarked, was that the Chief Electoral Officer had to appear before this committee, and, being a special committee, was restricted in its authority by the reference to it. As far as the House is concerned, the point does not arise at all. He is an official of the House, and the moment the order is given to him by the House, he has to obey. It is for the House to decide, and the House decided he was to produce certain documents—he has produced them. There is no question as to whether these papers were referred to this committee or not; they are now in the hands of every member, and every member can use these documents subject to the ruling of the chair, or the decision of the committee as to how far we can go in discussing the matter.

Mr. BOYS: I agree with what the Solicitor-General has said. I do not want to discuss it further, I have just raised the point to have it settled.

The CHAIRMAN: I will have to rule against you both, unless it is allowed by consent. There is no such rule that matters brought down as documents of the House may be referred to Select or Standing Committees without reference.

Hon. Mr. CANNON: I do not say they need be referred, we can use them.

The CHAIRMAN: By unanimous consent.

Mr. MCPHERSON: I think in fairness to the member who wrote the confidential communication, until we find we have his permission, it should not be used; we will not use it to-day.

Mr. BOYS: If that is the only one marked private and confidential, I would say leave it, but if there are others, and they have got there by mistake, I think they should be taken from the file.

Mr. MCPHERSON: We cannot take it off the file; leave it there but do not refer to it.

Mr. BOYS: I do not think there has been a ruling of the House, but ever since I have been a member of the House, no matter marked private and confidential, was ever used. Minister after minister, when we were in power and since, has said that documents marked private and confidential

should not be produced and have their contents disclosed. I am not seeking to keep this out, but it is marked private and confidential. I would like to know from Mr. Castonguay whether it is there by mistake, and whether it is the only one that is marked private and confidential. I wonder if we could find that out.

The CHAIRMAN: You would prefer, Mr. Boys, to make your statement on another occasion?

Mr. BOYS: Yes, as I have said, I will not be the only one. There will be more who want to do the same thing. There is no use doing this thing peace-meal, when we start let us go through with it.

The CHAIRMAN: What is it you wish to discuss?

Mr. BOYS: I propose to discuss what I thought was the work of the committee in regard to returning officers and the conduct of elections generally; it was my idea that the purpose of the decision of the committee last year was to get the appointment of the returning officers as far as possible from the realm of party politics. We have a list of the returning officers, and already know something about them, perhaps we can get some more information, but if not, there is enough for me to form a statement.

The CHAIRMAN: For what purpose: for the purpose of amending the act?

Mr. BOYS: I have a very sympathetic feeling for some of our Liberal friends; perhaps we can do something for them.

The CHAIRMAN: Do you not think we should have something before the chair?

Mr. BOYS: There is; we have your ruling. I have considered it and the more I consider the more I think we should go on with it.

Mr. MCPHERSON: Mr. Chairman, may I suggest that it is not so much your ruling as that Mr. Boys wishes to make a statement that in view of the attitude of the Committee last year he does not think that the Chief Electoral Officer has followed out the spirit of it in the appointment of the officers.

Mr. BOYS: I will make it as definite as possible. Supposing we had been allowed to go on and ask Mr. Castonguay the question and get an answer to the question which I did ask and answers to further questions, I would have no speech to make at all; but I have not got it, and it is because I have not got it, that I am forced to get information elsewhere; and if I cannot get it, I then want to make a statement. That is the position I take, and I think it is a fair position to take. Do you not think with me, Mr. Chairman?

The CHAIRMAN: Make your statement. I am just wondering how I am going to get it. The only thing is to let you make your statement.

Mr. BOYS: I do not want to parade my statement too much. That is not what I am after.

Hon. Mr. CANNON: You want to make your position very clear before the Committee in view of the attitude which you took last year and what took place since.

Mr. BOYS: You have got it.

The CHAIRMAN: We have here Captain Baker, of the National Institute for the Blind, who wishes to make a statement in addition to that made by Mr. Myers at another meeting.

Mr. KELLNER: Mr. Chairman, there is another thing, before you pass on. There are special instructions which are sent out to various election officers. I wonder if the committee could not have a copy filed?

The CHAIRMAN: It is here.

Mr. KELLNER: Is that the only one that goes out?

The CHAIRMAN: The Chief Electoral Officer can tell us.

Mr. CASTONGUAY: That is the only one, Mr. Chairman.

Mr. KELLNER: They certainly do not comply with the report of Mr. Biggar given last year. Those instructions should be looked over very carefully.

Mr. TOTZKE: Should they comply with Mr. Biggar's report?

Mr. RYCKMAN: What goes out is the pamphlet and the correspondence. If the correspondence is stereotyped, we should have that.

Mr. KELLNER: If this is all he is going to send out, which is contained in the Elections Act, he certainly has not touched many other things which last year we thought would be included; for instance, something that is mentioned at pages 31 and 32 in Mr. Biggar's statement to the House, that the election officers should be selected from the various parties who would have candidates in the field. There is no mention of that in these instructions, that I can find; and I do not believe there is any. If that is not contained in these instructions and he sends out no other, unquestionably he would get a straight party machine, which we have always had in the past and which we are striving to eliminate.

The CHAIRMAN: I do not know whether it is within our instructions to discuss the election machinery. I suppose I will be forced back to the statement that the Chief Electoral Officer has discretion to carry on the election. I do not want to be forced into that position; but I doubt very much if we can discuss that discretion without bringing the matter before the House. However, I do not know that anyone would object very much to discussion of a printed document sent out to the returning officers and other subordinate officers; but I merely make that statement in case the question is raised.

Mr. RYCKMAN: We would like to see the type of letter which goes with that pamphlet of instructions.

The CHAIRMAN: I think that information should be given to the committee, really. If there is any objection taken, I will have to rule upon it.

Mr. MCPHERSON: Would you mind asking Mr. Castonguay? I have seen them sent out very often and there was nothing but a formal typewritten letter, formal instructions, but nothing in the way of changing the instructions, merely a circular letter.

Mr. BLACK (Yukon): It would not be giving anything away.

Mr. RYCKMAN: It would not injure anybody to produce it.

Mr. MCPHERSON: No, not at all.

The CHAIRMAN: This pamphlet contains the amendments to the Act which passed the House last year?

Mr. CASTONGUAY: Yes, and several of the forms at the end of the pamphlet have been amended pursuant to the order given in the Act passed last year, to make it comply with the amendments passed last year.

Mr. KELLNER: Mr. Chairman, I want just one more word on that. If we are not going to instruct those election officials that their machinery must be taken from the various parties that are in the field, then all this report of Mr. Biggar here—and there are three or four paragraphs of it—absolutely means nothing. We considered it last year, and certainly it was my opinion that it was adopted and that we agreed to what he advanced there. How in the world could you expect a returning officer, who knows nothing about this report and has never been advised as to what is in it, to comply with what we agreed upon last year to be the basis of the machinery? And unless we take some action now to bring that before the election officials, then I think that for the last two years we have wasted our time here.

Hon. Mr. CANNON: I suppose, Mr. Kellner, we would have to find out first whether that would be a point which would come within the jurisdiction of the committee, and if so it would be a matter for the committee to decide upon.

The CHAIRMAN: Supposing we do not agree with the election instructions, which after all are the instructions of the Chief Electoral Officer, can we, as a committee, change them? Are you prepared to discuss that with me?

Mr. BOYS: I do not think the point raised by Mr. Kellner is touched by the printed document at all.

Mr. KELLNER: We decided all that last year, and there is what we decided last year, and that was handed over to the Chief Electoral Officer to be submitted to the other election officials, and I am amazed to-day when he said that this was all he was sending out. I thought he must have given other instructions besides that.

Mr. MCPHERSON: We can discuss them in the Committee and find out what shape it is in. Personally I think we amend the Elections Act, and the officer must make his instructions to the various officials in accordance with the terms of that Act; and if we are going to dictate what his instructions shall be, we shall have to make the amendments to the Act originally, in order that he shall follow it.

Mr. KELLNER: That is all right so far as what is contained in the Act is concerned, and there was no quarrel in the Committee. Surely the Chairman will agree with that.

The CHAIRMAN: I take the same position as Mr. McPherson. After all our function is to recommend to Parliament amendments to the Act. Can we give instructions at any time to any officer? I doubt it very much. I doubt whether we can give him any instructions which pertain to the exercise of his discretion. I am not trying to choke off discussion at the present time, or to prevent Mr. Kellner debating this as far as he likes in the Committee, but I am just trying to see what practical purpose we will serve by any such debate, or what it will come to. If after having debated matters raised by Mr. Kellner, we come to the conclusion that the Chief Electoral Officer should issue instructions along certain lines, where are we? Where do we get to then?

Hon. Mr. CANNON: The Act says, section 18, subsection 2, paragraph (*a*): issued to election officers from time to time such instructions as he deems necessary in order to ensure the effective carrying out of the provisions of this Act.

The CHAIRMAN: That is what we told him to do.

Mr. MCPHERSON: Yes, and if we want to change those instructions we will have to change the Act so as to comply with them. I think you are wrong in this, Mr. Kellner. They may have endorsed your one point, but they never endorsed Colonel Biggar's recommendations as a whole, for the simple reason that one of his recommendations, our refusal to endorse was the cause of getting us into the trouble over election officials just now. That we did not take his advice.

Mr. KELLNER: But here are two or three sections that we did adopt.

Mr. KENNEDY: If I remember eaxctly, the instructions were to see to the absolute impartiality, and follow that through. I think we have a right to make any inquiries.

Hon. Mr. CANNON: This is what the Act says he shall do (reading):

(*b*) exercise general direction and supervision over the administrative conduct of elections with a view to ensuring the fairness and impartiality of all election officers and compliance with the provisions of this Act;

They have to be fair and they have to be impartial; they need not be Liberal, and they need not be Conservative, and they need not be Progressive.

Mr. KELLNER: They need not be, but they must be impartial.

The CHAIRMAN: If I remember rightly, that same section was in the old Act.

Mr. KENNEDY: Yes, but in the old Act he did not have any power to enforce it.

The CHAIRMAN: It boils down to this, I suppose, that Mr. Kellner's suggestion is that instructions should be given that party politics should be represented among the subordinate officers. It has, I think, been a well-known principle that party politics are never mentioned in our legislation. If we are to get over that, let us go to it.

Mr. BOYS: It is mentioned in the printed instructions.

Mr. MCPHERSON: The other side of the argument is that we must put it in and that we must represent them.

Mr. BOYS: I do not say that we can say that to the Chief Electoral Officer. Whether we can do it now or not is another question. I agree with Mr. Kellner, and I prefer to go back and try to find what was our intention and effort last year; and as an indication of what we thought it was, we find on page 8 of this booklet of Election Instructions, under Duties of Returning Officers, in paragraph 4, this statement (Reading):

> Under the law as it formerly stood returning officers were, as a matter of fact, appointed generally for the conduct of a particular election, but under the present law they, in effect, hold office during good behaviour. It is consequently of the first importance that they should be entirely impartial as between political parties.

If anybody thinks that a strong party man can be impartial between the parties, I do not think it can be done.

The CHAIRMAN: And Mr. Kellner is just asking us to do that, to appoint a man of any of the political parties.

Mr. KELLNER: That is not my point at all. My point is that when the returning officer goes out to select his machinery he should select it from the different parties who happen to be in the field.

The CHAIRMAN: Because they happen to be an adherent of that party. How could they be impartial officials if they are entirely partial?

Mr. BOYS: He is on the job to see that it is done.

Hon. Mr. CANNON: Most of the officials are appointed before the election is on. Supposing you run and I run, but I did not know you were going to run?

Mr. BOYS: He would have to take that chance. I should like to suggest to Mr. Kellner that I believe, when the Committee would be good enough to let us go into this thing, I feel satisfied that his point will be involved there and perhaps we could discuss them all at one time.

Mr. KELLNER: My objection is that they are practically all selected and the machinery is all effective now.

Mr. TOTZKE: Just the returning officers, isn't it?

Mr. KELLNER: My instructions are that all the machinery is selected.

Mr. MCPHERSON: I have not heard of a single appointment. You get your instructions sooner than I get them.

Mr. TOTKZE: Your instructions come faster than mine.

Mr. KENNEDY: Is the ruling that it is up to the Chief Electoral Officer?

The CHAIRMAN: I would stand by the ruling that if the Chief Electoral Officer does not want it to be done, we cannot discuss the use he may have made of his own discretion. That is broad enough.

Mr. KENNEDY: I think that is too broad and would not be in the interests of the Chief Electoral Officer himself. I should like to have that discussed at some time.

Mr. ILSLEY: If that was discussed formerly and ruled upon, why open it up again?

Mr. KENNEDY: I was ill that day and was not here.

The CHAIRMAN: For the purpose of the discussion which Mr. Boys wishes to inaugurate, I think by unanimous consent we will agree that that ruling will be suspended until Mr. Boys has finished talking, at all events.

CAPTAIN BAKER called.

The WITNESS: Mr. Chairman and members of the Committee, may I thank you for the privilege of appearing before you? We in advancing or suggesting this amendment to the clause which refers to the procedure under which blind voters shall cast their ballot, have in mind raising the status of blind people. Now, throughout the community, our blind people are simply a cross-section, excepting that they are deprived of physical vision. May I just for a moment refer to the present situation? First of all, I am well acquainted with blind people and their views from coast to coast in Canada. For some years I was concerned with blinded soldiers, their training and after-care, and know intimately every Canadian blinded soldier. Then, sir, I have been associated with the Canadian National Institute for the Blind as Chief Executive Officer and General Secretary, and in the course of my duties I have come in contact with blind people from coast to coast, and in my contact with blind people I have discussed this matter with a great many of them, and I find there is this trouble in their minds about voting, the fact that they are, under present circumstances, required to declare an open vote. Now the situation is this, sir, in truth. I may say that I lost my sight overseas in adult life, and I was looking forward to exercising the ballot in the ordinary way as you do; but, having lost my sight, I am now required to enter the polling booth, which is as dark to me as it would be for you at midnight with no lights on, and I enter the polling booth with my wife or other adult friend as escort, and I hear a voice which I take to be that of the returning officer, and I hear other voices which I take to be the scrutineers, and I hear movements which I take to be made by from one to a dozen other voters waiting their turn, but often to me an embarrassing situation to me above all other considerations. I must first of all take the oath that I require assistance in the marking of my ballot. I do not object to that because I recognize that is a necessity; but when that is finished I must proceed and declare before the group just whom I wish to vote for. We had an instance of one blind soldier in Toronto, who also lost his arm overseas, who voted and then twenty minutes after his return to his store or place of business he was congratulated by two gentlemen on the way he had voted. We are anxious, sir, to induce the blind person in the community to take an interest in the community, to be self-respecting and respected in the community. We find at the present time a diffidence on the part of blind people to exercise their vote. Some hold semi-public positions, while others are connected in ways in which the question of a vote, whichever way cast, may affect them disadvantageously. Not that they are attacking the character of the appointed officers or others who may be in the polling booth, but rather that they would like to have that greater feeling of confidence, as I personally would like to have. When my wife goes to the polling booth with me, I would like to have my wife mark my ballot for me according to my direction and as suggested in our suggested amendment, that she will be required to take

an oath, an amendment that in our opinion, sir, and in the opinion of blind people across the country, and we hope in your opinion, will provide quite sufficient safeguards.

There has been one point raised with reference to the group in which we find ourselves at present in the election act, and that is, those who are illiterate or who, for other reasons, must require assistance in marking their ballot. May I respectfully submit, sir and gentlemen, that blind people are a cross-section of the community and are, in the main, intelligent. Many of them, a very large number of them, are very well educated. Their inability to mark their own ballots is definitely because of a physical handicap. The question of illiteracy may be due to any one of many causes.

One other point, sir. In asking for this amendment, we hope to induce many of our blind people who have practically given up voting because of the present situation, to take an interest in the community, and there is one point which I think you will all recognize, that 70 per cent of all the blind people in Canada to-day lost their sight after the age of twenty years; in other words, they had their sight up to adult life; some of them lost their sight at thirty, forty and fifty years. Many of those people—and they are in the large majority —have enjoyed the use of the secret ballot when they had their sight, and it comes as a great hardship, and an embarrassment to them, to be required to declare an open vote.

I think, sir, that is all I care to say at the moment. I do not want to take up more of your time, but I will be glad to answer any questions you may care to ask.

By Mr. McPherson:

Q. I have never seen the condition that you mention in my own experience. Under the usual practice in Manitoba, under the provincial act—and what should be the practice uder the Dominion Act—according to the instructions issued, the returning officer and the two scrutineers should go to the polling booth away from the public and mark your ballot. It should never be marked in public. I mean, you should have voted outside in the general room.—A. On one occasion, I think, sir, I had permission to take my wife into the polling booth, but on every other occasion it has been done standing out in front of the counter, or the desk of the returning officer, when I never quite knew how many people were present. There is one point, sir. As I understand it in our present act, there is no definite requirement that the returning officer must take you to the privacy of a polling booth.

Q. There is, in the instructions to the returning officer. He must take you, along with himself and the two scrutineers, and not in the presence of anybody else.—A. Would they have the ballot box with them.

Q. As a rule, there is a little compartment in the corner of the room, where everybody goes behind, and that is where they should take you.—A. What we were anxious to do was to avoid complicating the procedure in the polling office. Now, if we require four persons to go into the private booth with us and leave the machinery of the voting office unguarded, so to speak—

Q. I was not contesting your suggestion at all I was merely saying that I had never seen it done.—A. I find, sir, that there is a great variation in the procedure.

Q. There should not be.

By Mr. Totzke:

Q. Your suggestion was that only a certain person could go with one blind person at that election?—A. Yes, sir.

Mr. MYERS: Shall I read the amendment that was suggested?

The CHAIRMAN: Yes.

Mr. MYERS: It reads as follows:

> When a voter who is incapacitated by blindness has subscribed to form 38, may have the assistance of a relative or friend, as he or she may select, and of no other person, except as when voting within the meaning of the section preceding.

The idea of this amendment was really to be an alternative to the present section.

> Such sighted assistant shall accompany the blind voter to the polling booth, and mark the ballot paper as directed by such voter. Such sighted assistant may only act for one blind voter in any one election, and before entering a polling booth shall subscribe to the following oath:
>
> I swear (or affirm) that I am well acquainted with John Doe who is incapacitated by blindness.

That was to remove fraud or impersonation.

> That I will faithfully mark his or her paper as directed by the said John Doe.

That was to place them in the same position as the deputy returning officer is.

> That I will not divulge the name of any candidate voted for.

That is protection from the public viewpoint.

> That I have not this day assisted any other blind voter. So help me God.

I might say, in connection with this point, which is a very, very important one at the moment, that the reason why we are particularly anxious at the present time to have the act amended is because, not of the fact that we happen to have an election in Canada every four or five years, but because of the fact that we cannot hope to get the provincial or municipal acts amended in a like manner to insure uniformity until we get some relief from the Dominion.

Mr. BOYS: What Mr. McPherson says is very definitely covered on page 97. It might be worth while for the benefit of Captain Baker, to read that. Of course, if he has been required to do what he states, there is no doubt whatever that he was required to do something which should not be asked of him. As I understand the purpose of this, it is for the deputy, namely, the friend, wife or relative, who knows before he enters the poll for whom he wants to vote. The matter should be absolutely private, but what you say, Captain Baker, of course, was quite wrong, 238 reads as follows:—

Mr. BLACK (Yukon): Section 63, subsection 10.

Mr. BOYS: I will read that:—

> The deputy returning officer, on the application of any voter who is unable to read, or is incapacitated by blindness or other physical cause from voting in the manner prescribed by this act, shall require the voter making such application to make oath in form No. 38 of his incapacity to vote without assistance, and thereafter assist such voter by marking his ballot paper in the manner directed by such voter in the presence of the sworn agents of the candidates or of the sworn electors representing the candidates in the polling station, and of no other person, and place such ballot in the ballot box.

So that if they have been doing what you say, with others as well as yourself, that is quite improper. Anyway, the purpose of your request is just what I have mentioned.

The WITNESS: Quite so. I think you will find that it will, as a matter of fact, facilitate the procedure in the polling booth, taking less time.

The CHAIRMAN: Mr. Telford was to make a statement, I think, with respect to mariners voting.

Mr. TELFORD: Mr. Chairman, judging from the minutes, it would be a repetition to say what I have to say, but the mariners on the upper lakes at least leave home about this time of the year, and they do not usually return home until late in December, and for that reason, there are thousands of men engaged in that calling who have been disenfranchised. I know of men who have been disenfranchised all their lives; they have never had a chance to vote at an election, and my suggestion would be, if there is nothing better before you, that you adopt the provisions of the Ontario act and allow these men to vote by proxy.

Witness retired.

The committee adjourned, to resume on Tuesday, the 29th of April, 1930, at 10.30 a.m.

SESSION 1930

HOUSE OF COMMONS

MINUTES OF PROCEEDINGS AND EVIDENCE

OF THE

SPECIAL COMMITTEE

ON

DOMINION ELECTIONS ACT AND CORRUPT PRACTICES INQUIRIES ACT

No. 5

THURSDAY, May 1, 1930

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1930

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,
THURSDAY, May 1, 1930.

The Committee duly convened at the hour of 10.30 a.m. pursuant to notice given.

Members present:—Messrs. Anderson (Toronto-High Park), Bancroft, Black (Yukon), Bothwell, Boys, Cannon, Cantley, Elliott, Hanson, Kellner, Kennedy, Laflamme, Lapierre, MacDonald (Cape Breton South), Ilsley, Ryckman, Sanderson, Sinclair (Queens), and Totzke.

Mr. Power, the Chairman, being absent on account of illness, it was moved by Mr. Totzke, seconded by Mr. Sanderson, that Mr. Bothwell be elected acting chairman. There being no other nominations Mr. Bothwell was declared elected.

Mr. Bothwell took the Chair.

The Clerk was called upon to read the minutes of the meeting of April 3rd. The minutes were amended by adding to the list of those present the names of Messrs. Sanderson and Sinclair (Queens). They were then approved and adopted.

The Acting Chairman read a letter from Allan M. Dymond, Chief Electoral Officer, Parliament Buildings, Toronto, re mariners voting by proxy.

The Acting Chairman read a return ordered by the Committee on April 2nd from Jules Castonguay, Chief Electoral Officer. This was ordered to be included in the report of proceedings.

The Acting Chairman asked Mr. Boys if he wished to proceed with his statement. Mr. Boys replied that in view of the absence of the regular Chairman it might be well not to proceed further to-day, but left it to the Committee to decide. The Committee decided that as the regular Chairman was familiar with all that had already taken place it would be advisable to wait until the next meeting.

The Committee adjourned until Wednesday, May 7, at 10.30 a.m.

J. P. DOYLE,
Clerk of the Committee.

MINUTES OF EVIDENCE

COMMITTEE ROOM 425,
HOUSE OF COMMONS,
THURSDAY, May 1, 1930.

The Special Committee on the Dominion Elections Act met at 10.30 o'clock, Mr. W. A. Bothwell, Acting Chairman, presiding.

The ACTING CHAIRMAN: In connection with the last item on the minutes of proceedings, Mr. Telford's reference to mariners voting by proxy, there is a letter addressed to the Clerk of the Election Committee, House of Commons, which reads as follows:

A. A. FRASER, Esq.,
Clerk of Election Committee,
House of Commons,
Ottawa, Ont.

Replying to your letter of the 8th inst., with regard to Mariners voting by proxy, I am afraid I cannot give you any statistics as to the number of these without inquiries from the Judges in the different Counties.

I know that a considerable number voted by proxy at Midland and Victoria Harbour and I think that in other places the amendment made in the Session of 1929 would have been used if Mariners had been aware of the change.

Our Election last Fall was held after most of the passenger boats had tied up. The Midland group came to my attention because my decision was required in a difficulty that had arisen. I am quite sure that in that case at least the section worked quite satisfactorily and I can see no reason why, with proper safeguards, there should be any danger in such a matter. At the same time I do not think it has yet had quite a fair trial.

Yours very truly,
ALLAN M. DYMOND.

At the second last meeting, Number 3 proceedings, Mr. Neill addressed the meeting, offering some criticism to the Dominion Elections Act, and suggested certain amendments. In that connection, I understand from the clerk that the Chief Electoral Officer was to file a memorandum. I have that memorandum, dated April 9, 1930. It reads as follows:

OTTAWA, April 9, 1930.

Memorandum for the Special Committee of the House of Commons on the Dominion Elections Act on the subject of the suggestions of amendments to the said Act made by Mr. Neill, M.P.

With regard to the first point raised by Mr. Neill on the subject of the list of registrars, I wish to state that there has not been any change in the provision with respect to this list, except that it has been taken out of Schedules A and B and now appears in subsection 3 of Section 32 of the Act.

The next point relates to the notice posted by rural registrars and I wish to state that Form 20 as it appears on page 218 of the Election Instructions fully meets the difficulty complained of.

Mr. Neill's next point relates to the manner in which the name of a married woman should appear on the list of voters and I wish to state

that this suggestion requires an amendment to Rule 4 of Schedule A and Rule 5 of Schedule B to Section 32 of the Act.

With regard to the number of copies of the lists required to be prepared by the rural registrars, I may say that I think it might be advisable to amend Rule 9 of Schedule B to the effect that at least three copies of the list be sent to the returning officer for distribution to candidates. The preparation of the extra copies of the lists will, of course, entail an expenditure of about $20,000.

The next point refers to the delivery of the final copy of the list which is intended for use at the poll. Under the amending Act of 1929, this final copy of the list is sent to the returning officer who forwards it to the deputy returning officer enclosed in the ballot box with the ballots and other supplies. I agree with Mr. Neill that there may be a few polls in remote sections of an electoral district where this procedure might not be workable and it might be advisable to amend the Act so as to give power to the returning officer, in certain cases, to instruct the rural registrar to send his list direct to the deputy returning officer instead of sending it to him.

Mr. KELLNER: What is that again?

The ACTING CHAIRMAN: It means that ordinarily the final list is enclosed in the ballot box and in remote sections it would be sent direct to the Deputy Returning Officer by the rural registrar.

The next point relates to subsection 5 of Section 34 of the Act. The necessary corrections have been made in the consolidation of this subsection.

The next point relates to the delivery of the list of the names of the deputy returning officers to candidates. In electoral districts where there is an interval of seven days only between nomination and polling days, I think that it is not advisable to ask the returning officer to supply a list of deputy returning officers to candidates ten or twelve days before polling day as it is a well-known fact that the list is generally completed only a short time before the poll is held. The poll clerks are appointed by the deputy returning officers who are instructed to send the names of the poll clerks to the returning officer as soon as the appointments are made. However, as most of the deputy returning officers only receive their appointments shortly before polling day, I do not think it would be practicable to ask the returning officer to have the list of poll clerks available for inspection before the time prescribed by Section 47 of the Act.

The insertion of the word "properly" after the words "are not" in the eighth line of Form 35, which appears on page 229 of the book of Election Instructions, seems to be necessary in order that the form may be made to conform to the provisions of the statute.

The last point raised by Mr. Neill refers to the return of candidates' election expenses, and, in my opinion, this is a matter to be dealt with exclusively by the Commitee.

JULES CASTONGUAY,
Chief Electoral Officer.

The ACTING CHAIRMAN: I hardly know what business is to be taken up this morning, unless it is the statement Mr. Boys stated he intended to make. I think at the last meeting it was decided we would hear Mr. Boys, and I believe, Mr. Kellner has something to say.

Mr. BOYS: Mr. Chairman, I speak only for myself. I desire to speak as to certain work in connection with the Elections Act, but I think, before attempt-

ing to do so, we should reach a decision as to whether or not it is desirable to go on in the absence of the chairman, who presided at all the meetings last year, and all the meetings this year. It is immaterial to me personally, but if there is any desire on the part of any member of the committee that, owing to the indisposition of the chairman, we should not proceed, I certainly would not want to go on in view of that. If, on the other hand, there is no such desire, it is quite immaterial to me.

The ACTING CHAIRMAN: What is the wish of the meeting? I am entirely in the hands of the committee.

Hon. Mr. ELLIOTT: I was going to say, Mr. Chairman, that the way it strikes me—I have not been a very regular attendant at the meetings of the committee—that it does seem desirable to have the one who has been continuously in attendance last year and this year. I have no further view to express than that, but he has given a good deal of time and attention and is thoroughly familiar with the work, and therefore it does seem to me that unless somebody is going to be inconvenienced, it is not desirable to go on in his absence, as there will be plenty of opportunity to do all the work the committee has in mind during the present session.

Mr. KENNEDY: Can anybody assure us that the chairman is likely to be all right next Tuesday?

Hon. Mr. CANNON: I spoke to Major Power yesterday afternoon and he told me that his doctor had ordered him to keep away from the House for a few days. I understood him to mean that he would be available next week, but I do not think that he could be here this week.

Mr. KELLNER: Mr. Chairman, if we are going to adjourn, it should be to a definite date. If Mr. Power is not able to be here then we could appoint another chairman, and not be adjourning indefinitely.

Hon. Mr. CANNON: If Mr. Power is not available next week we will proceed with the work.

Mr. HANSON: Did we not adjourn to a definite date, Tuesday of this week? Why was the Tuesday meeting called off?

Hon. Mr. CANNON: It was understood we were to meet to-day, before the Easter recess.

Mr. BOYS: I can explain that; perhaps in deference to the chairman, who is not here, I should make it plain. Mr. Power saw me Monday afternoon and told me that he had an important meeting of the Pension committee, which was clashing with our meeting that had been called for last Tuesday. Also, as a matter of fact, he wanted me to consider the provisions of a proposed amendment, and perhaps to see some of those associated with me in connection with that, and he made the suggestion that we might adjourn until Thursday. I told him that, as far as I was concerned, it was perfectly satisfactory to have the adjournment till Thursday, and in the end he said that he would take it upon himself to postpone the Tuesday meeting and call it to-day. That is all I know.

Mr. HANSON: That is satisfactory.

The ACTING CHAIRMAN: Will next Tuesday suit?

Hon. Mr. CANNON: I think next week the budget debate will be on, and we can easily arrange, if necessary, to meet in the afternoon. That debate will last for a while, and there will be many opportunities of meeting, more so than we have had up to now.

The ACTING CHAIRMAN: We will meet again on Wednesday, May 7, at 10.30 a.m.

The committee adjourned until Wednesday, May 7, at 10.30 a.m.

SESSION 1930

HOUSE OF COMMONS

MINUTES OF PROCEEDINGS AND EVIDENCE

OF THE

SPECIAL COMMITTEE

ON

DOMINION ELECTIONS ACT AND CORRUPT PRACTICES INQUIRIES ACT

No. 6

WEDNESDAY, MAY 7, 1930

THURSDAY, MAY 8, 1930

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1930

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,

WEDNESDAY, May 7, 1930.

The Committee convened at 10.30 a.m. pursuant to notice given. Mr. Power, the chairman, presided.

Members present:—Messrs. Anderson (Toronto High Park), Bancroft, Bothwell, Boys, Hanson, Kellner, Kennedy, Power, Ryckman, and Totzke.

Mr. Boys suggested that on account of a Conservative caucus being held at 11.00 o'clock the meeting be adjourned. After discussion the Committee agreed to adjourn until Thursday, May 8th, at 4.00 p.m.

J. P. DOYLE,
Clerk of the Committee.

HOUSE OF COMMONS,

THURSDAY, May 8, 1930.

The Committee convened at 4 p.m. pursuant to notice given. Mr. Power, the Chairman, presided.

Members present:—Messrs. Anderson (Toronto High Park), Bancroft, Black (Yukon), Bothwell, Boys, Cannon, Dussault, Elliott, Girouard, Hanson, Jacobs, Kellner, Ladner, Laflamme, McPherson, Power, Ilsley, Ryckman, St. Père, Sanderson, and Totzke.

The Chairman suggested that only non-contentious legislation be dealt with.

Mr. Boys made a statement regarding the agreement reached in the Committee last year that the appointment of Returning Officers should be non-political, and contended that in the appointment of these officers that agreement had not been carried out.

Mr. McPherson pointed out the impossibility of carrying out in Manitoba the recommendations of Col. Biggar owing to overlapping of districts.

After discussion by Messrs. Bothwell, Kellner, Hanson, Cannon, and Ladner, on the method of appointing Returning Officers, Mr. Boys suggested that immediate steps be taken to have instructions forwarded to the Returning Officers to insure non-partisan appointment of subordinate officials.

Mr. Ryckman suggested there should be an equal division of subordinate officials.

Moved by Mr. Hanson, seconded by Mr. Ladner, that the Chairman, with Mr. Boys and Mr. Kellner, be appointed a sub-committee to draft proposed amendments to the Act. Motion agreed to.

The Committee adjourned until Tuesday, May 13, at 11 a.m.

J. P. DOYLE,
Clerk of the Committee.

MINUTES OF EVIDENCE

COMMITTEE ROOM 422,
HOUSE OF COMMONS,
MAY 8, 1930.

The Special Committee appointed to consider the Dominion Elections Act met at 4 o'clock p.m., the Chairman, Mr. C. G. Power, in the chair.

The CHAIRMAN: I suppose we all know that there is going to be an election, and I suppose we also realize that there is not much use our spending our time in this committee unless we are going to accomplish something, and I suppose it would be more or less within the spirit of the proposition made by the Prime Minister, if we decide to go ahead and put through such legislation as is non-contentious as we can put through by agreement. I believe that is about the most important thing for us to do. I am prepared to listen to any suggestions along those lines if anyone will make them.

Mr. BOYS: Mr. Chairman, for some time it has been understood that I wanted to make a few observations, and it will be in order I presume to make them now.

The CHAIRMAN: I have no objection to your making them. I simply point out that they may or may not serve any very useful purpose in the way of obtaining legislation which will be non-contentious.

Mr. BOYS: What I intend to say is more or less essential. In view of what was done last year and what has since been done I may say I intend to make it much shorter and will perhaps confine myself to a plain statement of what I understood was our purpose last year and what has been accomplished this year.

It had been understood at perhaps three or four meetings ago that what was said by members would be taken down. I would not now have to trespass upon the time of this committee, for at the meeting I refer to I did address myself for seven or eight minutes to the committee, and perhaps did say nearly everything that I want to say now, but it was not taken down, and, therefore, it becomes necessary now to say a few words.

In the first place, I would like to ask you, sir, and the members of the committee, to recall the work of last session. What was our task? What really did we set about to do? What I suggest is—and I do not think any member of this committee will suggest anything to the contrary—that because of a report received from the chief electoral officer in which he advocated certain important changes in connection with the conduct of an election—

Mr. TOTZKE: Was that the former chief electoral officer?

Mr. BOYS: Yes, certainly. He is the only one that has made a report to us. I certainly mean Col. Biggar, the former chief electoral officer who made a report.

You will all recall that in that report he suggested a very important change. Up to that time it was the practice—and no fault was found with it—that the party in power really had the right to name the various returning officers throughout the country. We did it in 1926; the Liberals did it in 1925, and we did it in 1921, and so on. The change proposed was that returning officers should be practically appointed for life or good conduct, and that the appointments should be made from certain officials, which were set out in Mr. Biggar's report. He

suggested, I think, that the sheriff would be his first choice. If I remember correctly, we took a tentative vote on that very proposition, and that tentative vote carried in its favour. It was not recorded; it was understood it was not to be recorded. But later on we departed from that, and what I want to most emphatically say that while we departed from that vote we did not depart from the idea of getting officers appointed who would be removed, as far as possible, from the realm of party politics. That is the first proposition I want to make definite to this committee, and in that connection, I cannot do better than make a reference to parts of the report of the chief electoral officer of the day, and to some of the things that took place in committee.

I now have part 2 of the proceedings of last year, March 8, 1929, and I first quote from page 33. Col. Biggar was then under examination.

> The Witness: I would not suggest that you should make any hard and fast rule because I do not think it is wise. There should be an inquiry in each case. A hard and fast rule would be unreasonable. The way I would get at the same result would be to require the returning officer to be a public officer. I would list the public officers and from amongst those he should be chosen. I would like to go further and put these in the way in which they should be chosen. I would like to recommend the appointments to come, not from either party but from the Chief Electoral Officer and restrict his discretion to the appointment of public officers. I would put the sheriff first, then the registrar, and perhaps the prothonotary or the clerk of the court, the city clerk, and the city assessor—some public officers of that kind—so that you would not have more than perhaps a dozen election officers.

That is followed then by a further reference on page 34, in reply to a question put by Mr. Hanson, as follows:

> Q. That is a weakness?—A. That is the reason. You cannot get a perfect system. All you can do is to get one likely to work out, not only something better than the present system but something as nearly perfect as can reasonably be expected, and I think that if you gave the Chief Electoral Officer power to make that recommendation so as to make sure it was not a political recommendation, and at the same time restricted him to these public officers, you would in almost every case have proper service.

On page 36 he gives the answer to the third question as follows:

> A. As a matter of fact I do not think it makes a great deal of difference where the Chief Electoral Officer gets his information, because my experience is that if the appointment is non-political it will be treated by the holder as being non-political. We are taking our judges every day from those holding political beliefs and having no trouble at all.

Then again, at page 37, we find this:

> The CHAIRMAN: The witness thinks there would be a "saw-off," for in the other provinces, every sheriff might be a Conservative. Taking it by and large throughout the country, he thinks we would get about a fifty-fifty split.

And then once more, at the bottom of page 32—and this is from his report:

> 12. These difficulties would largely disappear if it were understood that returning officers, by whatever administration appointed, should select subordinate election officers without regard to their political affiliations, or, in other words, as nearly as may be in equal numbers from among the supporters of each of the principal political parties which may be expected to have candidates in the field.

Now, the first proposition I present to the committee, is this, that we started off to discuss whether or not we would adopt this suggested system of appointing public officials. That was not finally adopted, but there is no doubt whatever that what we did decide was that the appointments should be non-political. If any further proof of that was required I think it could be got in the instructions which are now given by the chief electoral officer to the returning officers. I have now the instructions issued for the year 1930, and at page 8 we find the present chief electoral officer pointing out this:

> Under the law as it formerly stood returning officers were, as a matter of fact, appointed generally for the conduct of a particular election, but under the present law they in effect hold office during good behaviour. It is consequently of the first importance that they should be entirely impartial as between political parties.

On referring to the instructions issued prior to that and even as late as 1928 you find no such reference whatever. The change was due to what was done by this committee.

I want to say, Mr. Chairman and gentlemen—and I regret to have to say it—that the work of the chief electoral officer in carrying out the spirit and intent of this committee, as most definitely expressed, has not been done in accordance with our determination. In other words, the appointments have been made, in a large measure, from a political consideration. I want first to say that I cannot understand why—and I have no desire to be vindictive at all—when he first set about this task he did not think it proper, if he was going to consult one member, why he should not consult all members.

A return has been made to the House of Commons, sessional paper 156. I do not think it contains by any means all the correspondence that took place, but I can only deal with it as we find it. That paper discloses that there were no less than 14 members consulted, according to the return itself. I make no complaint that I was not consulted; I had no desire to be consulted. I do not know of a member of our Committee of the same political faith as myself who was consulted, apart from the two whose names appear there, and they are not members of the Committee, but there are two who were consulted. Now, if you are going to consult one member, why should you not consult all? Can any one give an answer to that?

Mr. JACOBS: Stars differ from each other in glory.

Mr. BOYS: Perhaps so, but not so far as this party is concerned. However, that is the fact. We find in some of these cases, the recommendations were adopted; not in all, but in many, and it will be necessary perhaps to refer to one or two of those. Before doing that, may I just refer to the report of our own Committee in 1929, which appears at the top of page 4 of the proceedings of May 23rd, No. 8. Here is what is decided by the Committee:

> The proposed amendment with regard to the appointment of returning officers is calculated to remove, and will in the Committee's opinion have the effect of removing almost all the administrative difficulties which now arise in the course of an election. It appears that these difficulties are almost exclusively due to the fact that many returning officers who quite correctly regard themselves as owing a duty to the public and not to the political party which appointed them, are suspected by supporters of the opposite parties to be guided rather by party than public interests. In the Committee's opinion to impose the duty of selecting returning officers on the Chief Electoral Officer will prevent any misconception on the part of returning officers as to the nature of their duties, will eliminate any reason or excuse for anyone suspecting an impartial returning officer of acting from improper motives, and will make the returning officers entirely independent.

Now, I am not going to take the time to quote at length from various replies that appear, but it might be in order to refer to one or two. Bear in mind that the desire was to secure men who were absolutely impartial.

I quote from a letter written by Mr. J. A. Kinsella, appearing on page 70 of the return dated January 27, written to the Chief Electoral Officer of that day, and here is what he says, in part:—

> I have always been a very active Liberal. I am Past President of the Toronto-Scarboro Liberal Association, have been its President for three years. I was a Liberal candidate in the recent provincial elections in part of this ward known as Woodbine. I am well acquainted in East Toronto, especially in this particular riding in which I reside.

Mr. Chairman, I would think that anyone approaching the duties of the officers outlined by the Committee, on the receipt of that letter would say, "This is the last man that should be recommended to this appointment." But what happened? He was appointed. That perhaps is the strongest case that appears upon the file. There are one or two others which I might refer to.

At page 79 I think we will find another. This is from Mr. R. H. B. North, and is dated the 17th of February. He says:—

> Permit me to state that I have had considerable experience as returning officer, both in Federal and provincial elections. Also I am not unknown to Mr. W. J. Lovie, Federal member for the constituency of Macdonald, and to whom, without his leave, I beg leave to refer you as to character and ability to serve.

He was appointed.

Mr. BLACK (*Yukon*): Was he an applicant?

Mr. BOYS: An applicant, and appointed.

Mr. TOTZKE: There is nothing wrong with that. He referred to Mr. Lovie, without Mr. Lovie's knowledge.

Mr. BOYS: I quite understand that, but he points out that he is a strong friend of the Liberal member.

Mr. TOTZKE: It says that he refers to Mr. Lovie without his leave.

Mr. BOYS: Does my friend want to suggest that Mr. Lovie does not know that he was the Liberal member? We find in another case appearing at page 44, that we have here the case of a member who apparently was asked definitely to make the recommendation and in the letter that I quoted from of October 22nd from the member for Southeast Grey, we find this:—

> Some time ago you asked me to recommend a permanent returning officer for Southeast Grey. I have tried to decide on a man who would be absolutely fair and non-partisan. I know of no one who would make a better returning officer than Mr. Michael E. Murray, of Neustaldt, Ont.

The CHAIRMAN: Who signs that letter?

Mr. BOYS: Is it necessary to make it plainer?

Mr. TOTZKE: Pardon me, Mr. Boys, but when you read there you used the words "absolutely unfair." You were quoting from the letter? Did you mean to say "unfair"?

Mr. BOYS: Did I say "unfair"? I meant "absolutely fair"—I am glad to be corrected—" and not partisan," and the appointment is immediately made.

The CHAIRMAN: I do not like to interrupt you, but do you know of anyone who would be better qualified to judge of anything partisan than the member for Southeast Grey?

Mr. BOYS: If you really think that needs a reply, I will see you later and give it.

Now, I want to be perfectly fair and I want to say that in this list there are two of our own party who were either asked or did write letters which appear upon the returns. One was Mr. Cahan and Mr. Cahan reported or recommended a Liberal, the son of the late Eugene Lefleur, and his recommendation was accepted. I understand that Mr. White made a recommendation also; so far as I know, his recommendation was a Conservative, and he was accepted.

Mr. McPHERSON: And a very active Conservative too.

Mr. BOYS: Well, that may be so. I am trying to be fair. Now, looking at the list by provinces, we have 245 seats and out of the 245, there are not 30 Conservatives. Take the province of Ontario. There are 22; and 17 of those 22, Mr. Chairman, are officials. Four are not. Four are, I think we may say, Conservative ridings. One is in a riding which I am ready to admit I think is doubtful. We have one in New Brunswick. We have none in Nova Scotia; none in Prince Edward Island; none in Manitoba, Saskatchewan, Alberta or British Columbia. So far as I know, only two, it may be three, in Quebec. As I say, less than 30 in the whole of Canada. Does anyone think that is an effort to interpret the wishes of the Committee?

The CHAIRMAN: Mr. Boys, I do not like to interrupt you, but I know of one case where the man was appointed by the joint agreement of the two candidates. That is in my constituency. I do not think you will complain about that.

Mr. BOYS: No, I am quite prepared that any illustration of that kind may be made known to the Committee. By all means, let us have the facts.

The CHAIRMAN: Among the 30, at least one can be shown where the spirit and letter of the Act was carried out in the fullest degree.

Mr. BOYS: Now that is the situation in Ontario. Then when we come to Quebec, we find that there are a number of officials; there are 31 or 32 officials out of 65. I think fairly it may be said that practically all those officials are of the Liberal faith. I have not a word to say against them. It is to be hoped that they will do their duty, but the fact remains that there are 31 out of 65.

Mr. JACOBS: Could you find any Conservatives in Quebec to appoint?

Mr. BOYS: I think you could. Did my friend ever analyze the figures? I do not know that he needs to go into them very minutely. He would find that there are over 200,000 voting Conservatives in the province of Quebec in the last Dominion election.

When we come to Nova Scotia we find there are seven officials out of 13.

In New Brunswick we find 2 officials out of 10.

In Prince Edward Island there are 3 officials.

In Manitoba there is not a single official.

In British Columbia there is not an official.

In Saskatchewan there is not an official. Nor in Alberta.

Mr. BOTHWELL: What do you mean by an official?

Mr. BOYS: I mean a sheriff or a clerk of the court.

Mr. McPHERSON: That is impossible, Mr. Boys, in our western country, to get officials.

Mr. BOYS: I recall your statement, Mr. McPherson, but you do not surely suggest that in Saskatchewan there are no officials available for these appointments?

Mr. McPHERSON: No, the point I make is this. There are three sheriffs, but they are not available.

Mr. BOYS: I remember your remarks quite well.

Mr. McPHERSON: They are not available. Their territory will cover about four different constituencies.

Mr. Boys: There may be constituencies where there would be that difficulty, but there must be officials in Saskatchewan who could serve. They got them in Ontario. Out of 22 there are 17 who are officials, and only five who could in any sense be called independent. Now, I am not wanting to be independent. As one member of the Committee, my desire was to try to remove these appointments from the realm of party politics. Now the question is, has it been done? I submit that it has not, and I can only say, so far as I am concerned, I cannot possibly accept the work that has been done as a reasonable or fair interpretation of the decision of this Committee.

We had the Chief Electoral Officer present at some of our meetings this year, and I think he probably heard me when I spoke for six or seven minutes and when my remarks were not taken down. He then knew what our views were, and what happened since? I am given to understand that one of the 22 I am counting as belonging to Ontario and who was a Conservative, was not prepared to act, owing to ill health—one would have thought that after the discussion that took place both last year and this, that when you were trying to make an appointment, after we agreed to the principle of making an independent one—and who has been appointed? The Liberal candidate in the past election and Vice-President of the Liberal Association. He may be a perfectly honourable man but will any member of this Committee who agreed to the proposition to get away from politics, stand up and say that the way to accomplish that end is to appoint the defeated candidate in the last provincial or any election? No one can justify that, if we are trying to get away from party politics. If we are going to have the old system, let us have it frankly. Now I am not going to prolong my remarks; I am simply going to close by saying that there has not been a satisfactory effort to carry out the views of this Committee. The work shows that it is almost as partisan, not quite but almost as partisan, as the appointments were in 1926 when they were all Tories, or as the Liberal list in 1925 when they were all Liberals. That was not the purpose, and as one member of the Committee I am compelled to say that I repudiate the work as a fair interpretation of the purpose and intent of our deliberations and I characterize it as a failure to carry out the expressed intention of the former Chief Electoral Officer, whose report the present Chief Electoral Officer saw and in which he concurred. It may have been his desire to secure appointments that were entirely apart from politics. It may be that he wanted to do it, and it may be that he was prevented. I do not know what the facts are, but I do know that the result has not accomplished what this Committee intended, and as one member of the Committee, if any one had told me, or if we had been told that the result of this work would be what has taken place, does any one think for a moment we would have consented to it? Would any one expect us to? Would I think of asking any Liberal to accept what has been done here, if the shoe were on the other foot? Not one. That is all I have to say, gentlemen. I say the work has not been done in accordance with our wishes and as one member of that Committee I can only say that I cannot possibly accept it.

Mr. McPherson: Mr. Chairman, it was not my intention to say anything but in view of some of the remarks made by Mr. Boys, and if only in justice to Mr. Castonguay, some answer should be made. As you will remember, so far as the appointment of these officers is concerned, it was not with the idea that sheriffs should not be appointed, but under our condition in the west it would not be feasible at all to appoint them. I think we had six sheriffs in the whole province. As to the registrars, they would not be allowed to take the appointment; they are too busy. I am willing to defend the action taken and so far as I personally am concerned I may say that Mr. Castonguay asked me whom I could recommend to act as returning officer, and he asked me to see that he would be favourably received by both parties. I do not

know whether I wrote an answer, and I do not know whether it is on the file or not if I did, but in any event, realizing as well as Mr. Boys what we wanted to do and that we wished to do as well as possible, I told him that if he would leave the matter with me I would find out; I did go to the heads of the opposition, told them the position and I said that the man I would suggest is So-and-so, does he meet with your approval? And both the President and Secretary of the association said, he does, absolutely.

Mr. HANSON: If Mr. Castonguay went to you, why should he not come to me?

Mr. MCPHERSON: I do not know, but as a matter of fact I do not think you can get away from a certain amount of political bias and I said so last year. The man who was appointed was a well-known Liberal, but they were agreeable to him. I had no objection to the old method of appointing returning officers, in my experience of thirty years.

Mr. BOYS: You do not dispute that our intention was to get away from it if we could?

Mr. MCPHERSON: That was the idea, but I did not see that it could be got away from altogether. I suggested last year, and it was greeted with a snort of derision, that the sitting member should appoint the returning officer. I think some one laughed and said, "You are joking." But as a matter of fact we are sure to appoint either Liberals or Conservatives to these positions. So far as I am concerned, I want to go on record as saying this: that Mr. Castonguay asked me for my view as to who should receive the appointment in my constituency, and in that constituency the appointee was absolutely satisfactory.

Mr. BOTHWELL: I met Mr. Castonguay in Regina at the time of the Regina fair, in the Saskatchewan Hotel. He asked me about the appointment of officials, starting with the sheriff and from that down. I said, "I don't think the sheriff is competent and I don't think he would act, nor do I think he would be allowed to act. The registrar of the Land Titles Office is not a proper man for the position and I don't believe he would be allowed to act."

Mr. HANSON: Why do you say the sheriff would not be allowed to act? Because they always do in our counties.

Mr. BOTHWELL: In Saskatchewan it was allowed, if they wanted that position. The sheriff and the registrar.

Mr. BOYS: It would be a good thing if you got one or two at least.

Mr. BOTHWELL: The next man was secretary-treasurer of a municipality, a returned soldier. I do not know what his politics are. He came there some years ago as a representative of the bond-holders. I told Mr. Castonguay that he was a first-class man. Mr. Castonguay wrote to Mr. Seath. Mr. Seath telephoned me one day and said that he had received a letter from the Chief Electoral Officer. He said, "I do not think that I can take that position." This was over the telephone, and I said, "The only thing to do is to bring it to the attention of the council." He later telephoned me that he had brought the matter to the attention of the council, and that council intimated that it would not be proper for him to act. The next man was secretary of the rural municipality, a well-known Liberal. I telephoned him the day that Mr. Seath informed me that he could not act. He said he would not take it at all. I did give Mr. Castonguay a list of names, but it was some time after, it may have been weeks, but anyway, after I went home. I do not know exactly when.

The next man was secretary-treasurer of the school board. He has been secretary-treasurer of both the public and high school boards for ten years, and I don't know how much longer, also manager of a trust company. He was the

next man asked. He was the man who replied to Mr. Castonguay that he could not act. I telephoned Mr. Hemmingway and he said he did not know whether he could act. I wrote to Mr. Castonguay that Mr. Seath would not act.

Mr. BOYS: If you wrote back, why did we not get the reply in return?

Mr. BOTHWELL: It was personal and confidential, possibly, I do not remember what it was.

Mr. BOYS: Can you give any reason why you should have the opportunity of making the selection—I am not personal with you, you understand. I am not finding fault with you, but why should you be asked to make all these efforts when I, who took a fairly prominent part, was never consulted at all?

Mr. BOTHWELL: Here was the position; who was Mr. Castonguay to get in touch with at Swift Current?

Mr. HANSON: We are not complaining about you, but why should he consult you and not do that in our case?

Mr. BOTHWELL: He passed the list all the way down. He took the officials that we discussed in this Committee last year, in order, and he has got an officer who, I am satisfied as far as that constituency is concerned, regardless of who has control of the election, that that man will be efficient and fair. He is not the man I would have nominated myself.

The CHAIRMAN: Mr. Kellner, do you want to say a word?

Mr. KELLNER: I have a few things I want to say, Mr. Chairman. The first thing I want to say is, that I concur in what Mr. Boys says about our attempted accomplishments and to add to it the efforts of the Committee in the preceding year, when we reported that the outstanding statement of our report was that partizanship, ignorance and incompetence, were the cause of the corruption in Athabasca in 1925, so that last year our supreme effort was directed in trying to get away from partizanship, ignorance and incompetence. Near the conclusion of the session last year I met Mr. Castonguay in front of the buildings one day, and he asked me how I would recommend him to get returning officers in Alberta. I suggested that he interview John D. Hunt, one of the witnesses that we had before the Committee, who has carried on provincial elections for twenty-five years very successfully, and that his recommendations should be satisfactory.

Mr. BOYS: Is he a provincial officer for that purpose?

Mr. KELLNER: Yes.

Mr. CANNON: He is the chief electoral officer for the province.

Mr. KELLNER: Mr. Castonguay said that was a good suggestion, and that he proposed to follow it. I might add that he went further and asked me if he could see me personally when he came to Edmonton, which was very easy for him to do. He came to Edmonton and obtained from Mr. Hunt a list of the returning officers for every constituency in Alberta, save Edmonton and Calgary. Out of that list, two were appointed. By the way, I regret very much that Mr. Hunt's recommendations are not on this file. They most assuredly were not confidential, because he showed them to me when I was home at Easter.

Mr. BOYS: Did he make them in writing?

Mr. KELLNER: Yes, and a copy will be here to-morrow because we have telegraphed for it.

The recommendations that Mr. Hunt gave included about four returning officers for every federal constituency. What he did was to hand over a list of all the provincial officers whom he had tried and found satisfactory. I do not know why the list, as I said before, is not on the file, it certainly should have been, but out of all the constituencies in Alberta, there were only two of Mr. Hunt's suggestions accepted, so that he paid little or no attention to those recommendations.

Mr. HANSON: Or to yours.

Mr. KELLNER: Well, he never came to me for any, nor to any other man in Alberta, as far as I know; that is, to none of the farmers' representatives.

I might make a little further comment on that. Through Manitoba and Saskatchewan, where there are independent representatives in the House, he did consult the members, and I think in every case he did appoint the party recommended. In our province he kept away from us, refused Mr. Hunt's recommendations, and made recommendations, which, in my opinion at least, must have come from the records of the Liberal party. I am now going to deal with two or three of these specifically. In the constituency of Wetaskiwin Mr. Hunt recommended Robert W. Manley, John Crough, Esther Williams, and George W. Wells. Dr. Johnson was first appointed in that constituency, and I asked the Chief Electoral Officer about that appointment, because it was later changed. The name of the present one has escaped me for the moment. In Wetaskiwin, Jones has the appointment now. We had that up in the committee on a previous occasion, and I said I wished to ask the witness a question. "In the constituency of Wetaskiwin, my information is that Dr. Johnson was substituted for the previous returning officer." That is an error in the evidence, that is not what I said at all. What I said was that Mr. Jones was substituted for Dr. Johnson. But the point I wish to bring out is that I asked the witness why the change was made, and the witness said that the man died and that was the reason the change was male; that he died after the selection was made. That is incorrect, Mr. Chairman. At the time he made this statement I was quite satisfied it was wrong, and I anticipated writing a doctor to find out.

Mr. HANSON: Was the doctor supposed to be dead?

Mr. KELLNER: I have recollections of a bill that was introduced in the House, where the argument was advanced that sometimes a doctor issued a certificate covering people who were not dead, so I thought that I would avoid that difficulty and write the undertaker which I did. I have the letter, which tells me that Dr. Johnson died on the 9th of October. He was appointed on the 17th of January, and was, without doubt, dead for several months, and the grass, in all probability, was green on his grave the day he was appointed.

Hon. Mr. CANNON: Do you not think this is a dead issue, Mr. Kellner?

Mr. KELLNER: I bring it up for one reason, and it is this: I do not believe that Mr. Castoguay had any recommendation from any individual. What I think was done was this: they went to the books of the Liberal organization for appointments for returning officers, and they got them all over the province.

Mr. HANSON: It came from the Minister, as it did in New Brunswick.

Mr. KELLNER: I think that probably shows the basis from which the reports came. I think there is a letter covering it on that file.

Hon. Mr. CANNON: That would go to show that last year Mr. Castonguay was right. Mr. Castonguay did not want to assume responsibility for these appointments for that very reason.

Mr. HANSON: He did not have to accept.

Hon. Mr. CANNON: It was forced on him by legislation.

Mr. HANSON: He could refuse. He could always resign.

Hon. Mr. CANNON: Oh, well. He made those very representations to the committee, you will remember.

Mr. KELLNER: My criticism is he should have taken Mr. Hunt's recommendations.

Hon. Mr. CANNON: Why should Mr. Castonguay take Mr. Hunt's or any other officer's recommendations?

Mr. KELLNER: He was looking for reputable and reliable persons to make the recommendations.

Hon. Mr. CANNON: Under the Election Act of Alberta, who makes the appointment?

Mr. KELLNER: Mr. Hunt.

Hon. Mr. CANNON: Or the government.

Mr. KELLNER: Mr. Hunt goes to the representative of the constituency and asks him to recommend a returning officer.

Hon. Mr. CANNON: But are the returning officer appointments made by the government, or by Mr. Hunt?

Mr. KELLNER: Mr. Hunt recommends them to the government. I think probably they are official appointments.

Hon. Mr. CANNON: Made by the Lieutenant-Governor-in-Council.

Mr. KELLNER: They accept his recommendation. I want to point this out, that we have at the present time forty-three farmer representatives in the province, out of sixty, and they get the same consideration as the other men; they were asked to name their returning officers.

Mr. MCPHERSON: That is, the sitting member names them in Alberta.

Mr. KELLNER: Yes.

The CHAIRMAN: He is allowed to recommend them.

Mr. KELLNER: Yes.

Mr. ST. PERE: It is only a question of fifty-fifty.

Mr. KELLNER: No, it is a little different recommending someone you know, than it is going to the records of the Liberal party.

Hon. Mr. CANNON: What I think Mr. St. Pere has in mind, is that whoever has a majority in the House control the political machinery when the election is on, so that would not help very much.

Mr. KELLNER: Well, they do not fire them every time they have an election. When you have a good man conducting an election properly, he is retained.

There is a letter that came in, covering this matter, which I have just mentioned. It is addressed to the Chief Electoral Officer, and it says:—

> I noticed by the press of last evening that you have appointed the returning officers, and that they are to be permanent officers in this connection, for the future.
>
> I note further, that in connection with the Wetaskiwin electoral district, N. A. Johnson, veterinary surgeon, was appointed. Unfortunately, Dr. N. A. Johnson died last fall, and it must be an oversight in your appointing him.

This letter was written January the eighteenth, last.

> I would point out to you that I was returning officer at the last election held in 1926, and worked under Mr. O. M. Biggar, the then Chief Electoral Officer. I remember his making the recommendation shortly after the election, that the position of returning officer should be made permanent, and I agree in that, as I feel satisfied that the machinery, being established, and knowledge being obtained by the party handling the matter in any district, money can be saved for the country.
>
> Under the circumstances, and as Dr. N. A. Johnson is deceased, I apply for the position, and assure you I would do my utmost to carry on the work in a satisfactory manner. I am sure, if you refer it to Mr. William Irvine, our member, he would approve of my appointment.

That man was not appointed, but another one was, who no one seems to have recommended at all. I just want to say a word about these confidential recommendations. We, as Mr. Boys brought out, came here to organize a non-partizan machine. Let me ask what would be personal in a letter going in, recommending one of these officials?

Hon. Mr. CANNON: Not only recommending, suppose somebody should write in and say, "Do not appoint so and so," and would give in that letter confidential information to the returning officer. I think it would be in the interest of all concerned that that letter should not be in.

Mr. HANSON: I would think it would be justification of the returning officer's action to produce it. It would be a good reason.

Mr. KELLNER: There are, unquestionably, a few instances that might arise, where in the case of a personal letter, it would be admissible to keep it off the file, but on the other hand, when anyone writes in and recommends an individual, because he belongs to a party, that is no reason why that letter should not go on the file.

Hon. Mr. CANNON: You are not dealing now with your own constituency.

Mr. KELLNER: No, I am dealing with Wetaskiwin.

Hon. Mr. CANNON: I understand Mr. Irvine is satisfied with the returning officer.

Mr. KELLNER: Perhaps he is. I am only pointing out that these appointments were made in a peculiar manner.

The CHAIRMAN: Do you think Mr. Irvine would be satisfied if the appointment was made in a peculiar way?

Mr. KELLNER: I am discussing the principle of these appointments—

The CHAIRMAN: You are protesting because the man who wrote and asked to be appointed, was not appointed.

Mr. KELLNER: You will not let me finish. There is another letter; it is from the Minister of the Interior, and reads as follows:

> With reference to the question of appointing a returning officer for the constituency of Wetaskiwin, I may say that Mr. Edwin H. Jones, K.C., of Lacombe, Alberta, has been very strongly recommended. I feel certain that he will carry out this work in a satisfactory manner.

There is our list of recommendations, and his name is not mentioned. Instead of recommending them to the Chief Electoral Officer, they recommend them to the Minister, Mr. Stewart.

There is another letter in connection with that, that I was going to read. On that day that Mr. Stewart wrote this letter, or the following day, Mr. Castonguay writes back as follows:

> Hon. CHARLES STEWART,
> Minister of the Interior,
> Ottawa, Ont.
>
> DEAR MR. STEWART,—I have your letter of the twenty-first, and note your remarks with regard to Mr. Edwin H. Jones, K.C., of Lacombe, Alberta.
>
> Mr. Jones was appointed returning officer for the electoral district of Wetaskiwin on the 19th instant.

So you see, two days before Mr. Stewart wrote, he was appointed. Now, who recommended him, and why is the recommendation not here?

Hon. Mr. CANNON: You mean, the man was appointed before Mr. Stewart wrote his letter? So Mr. Castonguay could not be influenced by that.

Mr. KELLNER: I am not arguing that at all.

Mr. MCPHERSON: So far as that is concerned, he seems to be a very satisfactory man.

Mr. KELLNER: I will turn now to the constituency of Athabaska. Mr. Hunt's recommendation in that constituency was William Hitchins, J. P. Evans, Harold King and William Buckley of St. Paul. Mr. Hitchins is a Liberal. Mr. Evans is a farmers' supporter; Mr. King is also a supporter of the farmers, and Mr. Buckley will be my opponent at the next election as a Liberal. Mr. Hunt recommended two farmer supporters and two Liberals in his recommendation. Mr. King was returning officer in that constituency in 1926. He went in there and had a terrible mess to clean up, and did it well. He carried on the election in 1926, and there was only one case of dissatisfaction. That was where a poll had been put in a school and the trustees refused to let them have the school. He straightened the matter up and Mr. Biggar wrote him as follows:—

> I beg to acknowledge with many thanks your report with regard to polling division No. 119, Tillyfield. It is very satisfactory to have had so comprehensive and detailed an account of the situation so well supported by affidavit.

When these appointments came out, Mr. King was dissatisfied because he did not get the appointment. He wrote to Mr. Castonguay and wanted to know why. Mr. Castonguay wrote back as follows:

> I beg to acknowledge your letter of the 7th instant.
>
> At the time of making the appointments of returning officers pursuant to section 21 of the Dominion Elections Act as amended at the last session of Parliament, your name was considered along with the names of several others for the position of returning officer for the electoral district of Athabaska, and the fact that you did not receive the appointment is in no sense a reflection upon you nor upon the manner in which you discharged your duties as returning officer at the last federal election.

Mr. King also wrote to Mr. Hunt to see if he would recommend him, and this is Mr. Hunt's reply:—

> Yours of the 12th instant to hand. In reply I beg to say that I gave a favourable report on you as returning officer some time ago, which of course was all that I could do, as I had no authority to do anything more than express my personal opinion, founded upon your work at the last election. No doubt there were others who reported favourably on other applicants, and the selection would be left to Mr. Castonguay.

Mr. TOTZKE: Is this man satisfactory who has secured the appointment?

Mr. KELLNER: I will tell you a few things about that in a minute if you will just give me time. Here is a list of election officials who operated in the notorious election in 1925. When the election was over they sent in an account for $22,438.43. The Auditor General cut that down to $18,425.89. But in 1926 this man who is now let out carried on the election at a cost of $12,803.30, about two-thirds of what it was in 1925.

Mr. TOTZKE: Had he improved facilities?

Mr. KELLNER: Improved conditions. He had a very satisfactory election.

Mr. BOYS: He improved the conduct of the election.

Mr. KELLNER: And cut down the election cost.

Mr. TOTZKE: There would be improved traffic conditions?

Mr. KELLNER: We are building roads very rapidly out there but there is only a year between the elections.

What I want to put before the Committee is this: In the 1925 election the irregularities were not confined to one individual or anything of that kind. In fact, the returning officer could have had little to do with it because he was in the unfortunate position of being unable to read or write. But here are a lot of his accomplices in that election. Nineteen of them will not be in the next election because they are disfranchised for seven years. Four or five more of them are dead. But, on the other hand, I am satisfied that a large percentage of the election officials that put over this big cost in 1925 will be back this year operating in that constituency. There is the liberal organization that you had in 1925. It was broken up in 1926; it was not a straight party organization in 1926; all three parties were represented in that election. And now we come back to this year and we get the same thing as in 1925. I am satisfied that we will have the same officers that we had then.

As to the man who has been appointed, he called the nominating convention for the liberals. I suppose that is all right; he is an outstanding party man. But if there is one constituency in Canada where we should have tried to get away from that then surely it was the constituency of Athabaska. That was the constituency that created the work which this Committee has gone through for two years. The press from one end of Canada to the other took it up, and made a big thing of the amendments that we had adopted. They said it was a step forward to take this whole thing out of politics. Now, we cannot even find out who recommended this man or a thing about it. It is a straight Liberal organization.

Mr. McPHERSON: Do I take it those men are already appointed?

Mr. KELLNER: No, I did not say that. I gave it as my opinion that barring the nineteen that are disfranchised, and the half dozen or so who have passed on, the rest of them will all be back.

Mr. TOTZKE: Is there anything against this present officer except the fact that he is an outstanding Liberal?

Mr. KELLNER: I have not thought to submit that to-day.

Mr. BOYS: The point is we have not got a square deal.

Mr. KELLNER: I do not think that now it should be necessary—

Hon. Mr. CANNON: Mr. Kellner, I understood your criticism to be directed at first mostly to the fact that Mr. Hunt, who is the chief electoral officer for Alberta, had submitted a list, and that that list had not been accepted, but I have here the Alberta Election Act and he makes no appointment himself in his own province.

Mr. KELLNER: He recommends that.

Hon. Mr. CANNON: There is no such thing. Here is what it says:

> 115. If the person to whom the writ is addressed dies or refuses to act or is absent or incapacitated or unable from any cause to act, the Lieutenant-Governor in Council may appoint some other person to be returning officer.

Mr. HANSON: That is exactly what he said.

Hon. Mr. CANNON: What I want to point out to the Committee is that the very man who should have made the recommendation for the Dominion does not make the appointments in his own province. It is the Lieutenant-Governor.

Mr. KELLNER: He makes the recommendation.

Mr. BOYS: Mr. Kellner's point is that Mr. Hunt made a return to Mr. Castonguay making various suggestions, and that return is not even on the file, and only two out of all that he did recommend were appointed.

Hon. Mr. CANNON: Here in Alberta they have got the old system.

Mr. KELLNER: I do not think it is the same as the Federal system. They give the sitting member the right to nominate or appoint.

Mr. HANSON: Recommend.

Mr. KELLNER: Recommend would be the better word. There is my case, Mr. Chairman. As I said before, Athabaska perhaps was entitled to more consideration than any other constituency in Canada. There we had a man who proved himself efficient and capable, and who had reduced the cost of carrying on the election by about one-third. Both Mr. Biggar and Mr. Castonguay have stated in letters which I have read to the Committee that he was an efficient man. Now he is passed up and a man with no experience whatever is put in his place. There can be no reason for that change other than the one was a Liberal and the other was not, and that is the thing we spent two years trying to get away from in this Committee. I certainly object to that appointment. I think it is absolutely wrong and foreign to the intentions of this Committee.

Mr. HANSON: Mr. Chairman, I desire to make just a very few observations on this subject matter, and I hope that I will be very moderate. I intend to be.

There is no doubt as to what was the intention of the Committee. I think we are all agreed on that, that we did want to get away, as far as possible, from partisan election officers. There is no doubt that the intent of the Committee was thoroughly expressed in the report, and it was known to Mr. Castonguay, and he concurred not only in taking the responsibility of appointing these officers but concurred in the spirit of the work of this Committee at the last session, and I regret to have to say that Mr. Castonguay has fallen down on the job, and I am not going to say anything more than that.

I am not familiar with very many of the returning officers except in my own province, and with respect to many of them I am not finding any great fault. Certainly I am not finding any fault with the appointment in my own riding. He is a man who has held the office of sheriff for fifteen years at least. He was appointed by the Liberal administration of which Senator Foster was the Premier. He was continued by Mr. Veniot, and he has been continued ever since. Previous to that time he had been deputy sheriff, and he is an excellent official. With respect to some of the others I can find no objection at all. But what I do object to is this, that in the Province of New Brunswick, almost without exception, the sheriffs have been appointed returning officers in previous years. Years ago it was always the case, irrespective of what their political proclivities may have been. I take exception to the man who has been appointed in the City of St. John. The sheriff there is one of the high officials of the city. I refer to Sheriff Wilson. He has been sheriff there through all governments and all provincial administrations since about 1908. To-day he is set aside and a young lawyer is appointed against whom I have not a word personally to say. The sheriff there knows the law thoroughly, having conducted many elections. He is a lawyer and a King's Counsel, a high-salaried official, and a man of very high standing in the community. As I say, he has been set aside and a young Liberal lawyer has been put in his place. I do not say that Mr. Kelly will not perform his duties intelligently and well. I think he will, because he has got too much at stake in the community, as a young man and a young lawyer to do anything crooked. What I object to is the principle.

The sum and substance of the whole thing is this, that the spirit of the work of this committee has not been carried out fairly as we in good faith recommended the amendments last year, and I regret that very much, because it has raised a jar in this committee that we have not had in previous sessions.

Personally, I never was able to understand the objection that Mr. McPherson raised to the question of the appointment of officials. I am not disputing his statement because certainly he knows very much better than I do. But in my own Province there is no reason at all, so far as I am aware, why the sheriff should not have been selected and selected first.

I have not got any proof of the statement, but I have no doubt that this list was prepared by Mr. Veniot and handed to Mr. Castonguay. I will venture that assertion and I do not think it will be contradicted.

Hon. Mr. CANNON: I think I could contradict that statement.

Mr. HANSON: If he did not do it directly he knows how to do it indirectly, and I have no doubt that is the case. Now, there is one Conservative on the list—

Hon. Mr. CANNON: Knowing the Minister as you know him you think he should have recommended Conservatives.

Mr. HANSON: Knowing the Minister as well as I know him, he would think it smart to recommend one Conservative to take the curse off, and the reason why he did not recommend the sheriff of Charlotte is because of the age of the man, a man of eighty-five years of age. He has occupied the position of sheriff of that county as long as I can remember, and he will be the sheriff of that county as long as he lives, or until he absolutely refuses to act. I understand he has attempted to resign on more than one occasion, but the committee have asked him to continue as long as he lives, and he is doing so.

Now, that is a problem I do not know whether we can deal with it at this session or not, but I think we ought to make some effort to right what is obviously a wrong, and that is the thought I am going to leave with this committee.

Mr. BOYS: Mr. Chairman, I do not know whether I was quite as decisive in my remarks as I intended to be, and with your permission I would like to say that if I could even be sure that what was recommended by Mr. Biggar in paragraph 12, the words I quoted from page 33:

> or, in other words, as nearly as may be in equal numbers from among the supporters of each of the principal political parties which may be expected to have candidates in the field.

That is a reference to the subordinate election officers. If I could feel for a moment that that would be carried out, I think as far as I am concerned, I would withdraw what I have said. But when you think that these men are appointed for life or good conduct, on the same basis as our judges are appointed, and if in the appointment of those men, that is, the returning officers, partisanship has been shown, what can you expect of those who receive the appointment? Is there any hope that these men throughout Canada will adopt the suggestion contained in that report? Take in my own riding. I know at the present time names that have been suggested as subordinate officials. They are certainly not of the Tory faith. I do not know of one. I cannot speak positively of all because I do not know all, but I venture the assertion that in over 90 per cent of the appointments where the officers appointed are Liberals the subordinate officers will be Liberals also. It may be so when the Tories are in power. I do not care if it is so. That is not what we are after. We are trying to get away from this feature of it, and it is because of the life appointment and good conduct that this becomes so important, and if anything can be done now that will bring some measure of protection and relief I think it should be done.

The only other reference that I am going to make is this: I do not know whether it should be made public or not, but the Chairman was kind enough to pass on to me a proposed draft. I have already intimated to him that, with-

out studying the details of it, with the principle of it I agree. It deals with what might be called dual or double enumerators for the various polling subdivisions in urban centres, and that would be a measure of relief, and, as one member of the committee I can only say that if that should be taken care of, as provided for in that, I certainly will concur. I will go this far and say that in urban centres that will probably tend to do away with any possible wrongdoing in one of the most important features connected with the election administration, namely the preparation of voters' lists. That is one thing we want to get clean if we can. I understand that there are to be two enumerators appointed, one from one party and the other from the other party, taking the next highest vote; they must do their work jointly; they must agree on all names, and if not able to agree on a name, they must note their objection and then the revising officer must settle the dispute. That, Mr. Chairman and gentlemen, I think should be a fairly clean and complete list in urban centres and I am in hearty accord with it. If not too late yet I would have been pleased if Mr. Castonguay, after what he heard in this Committee—and I am not saying this in a spirit of censure—but having got our instructions four or five weeks ago, if he had sent out letters to the returning officers intimating that they should consider the appointment to the subordinate offices, of representatives from the various parties, I think it would have done good. If that is done, I would be glad to have Mr. Castonguay tell us who has done it and in what manner it was passed on. I think if we are going on with these appointments we should try to do something to have the work done correctly.

Mr. LADNER: Mr. Chairman, on the point that Mr. Boys has just referred to, I wish to make a few observations. So far as I know, the returning officers appointed in British Columbia had nothing against them in a personal way. In fact, in my own constituency the man was of good standing. I was not consulted with respect to his appointment. I have consulted him since his appointment, in a very satisfactory interview, and I think so far as he can control the situation personally, he will endeavour to carry out his functions in a proper and honest manner.

But there seems to be a spirit not in keeping with that of the Committee when this law was passed. I do not think that these officers appointed in different parts of the country will interpret their duties under the Act as making it obligatory upon them or necessary for them to make appointments to any extent, other than those on behalf of the government in power. That is the feature of it which would bedevil any election if it were carried out, and that was the feature to be avoided, and it can be avoided by this committee. It might have been the part of wisdom on the part of any electoral officer had he in making his appointments given an indication to the returning officer of the desirability of making appointments of enumerators other than those of the political faith of the government, and for that reason I strongly urge upon this committee the advisability, in the interest of bettering the election law of to-day, in having cleaner elections, in having elections that receive more of the respect and confidence of the public, that steps be taken now to eliminate what is apparently the one difficulty, with possible exceptions, and that is the appointment perhaps in some constituencies of extreme partisan enumerators who might in a moment of enthusiasm be disposed to do something which would not carry out their functions in that independent judicial manner which it is the resire of the members of this committee, and I am sure of the House of Commons, to have them performed. The Chairman, in the proposals which Mr. Boys has suggested, has taken a step which I think will eliminate the difficulty.

The CHAIRMAN: But that is for the urban constituencies. I remember that in our discussion there was not very much complaint about the making

up of those lists in the rural ridings; because the man could vote on election day. But in the cities the lists must be completed fifteen days before the election.

Mr. BOYS: If a voter is not on the list, he cannot vote.

The CHAIRMAN: It is essential that some proper system of compiling the list be in force.

Mr. LADNER: The decent thinking people of all political parties, and those who do not belong to political parties, like to see clean elections carried on by officials who have the respect and confidence of the community. That can be accomplished by means of the proposal that Mr. Boys has referred to, and I would be very much surprised if any member of the committee would find that an objectionable suggestion. At least it should be given a trial for one year.

The CHAIRMAN: Then will we take that for granted?

Hon. Mr. CANNON: Mr. Chairman, before we pass on to anything else, I have only one word to say in answer to what has been said already. First of all, I think there has not been one word said by anyone as to bad character, or the disqualification of any of the returning officers who were appointed by Mr. Castonguay. The only criticism is whether they should have been Liberals or Conservatives, or more Liberals than Conservatives, and so on. That has to do with the political complexion, so to speak, of the returning officer. I don't think that the members of the committee want to exaggerate matters. There is one thing we have to bear in mind; since 1921 we have had three general elections, including the 1921; and the only election that was brought to the notice of the House of Commons, where corruption was shown to have been practised on a large scale was the election in Alberta, a very unfortunate case.

Mr. HANSON: You do not mean corruption; you mean election irregularities.

Hon. Mr. CANNON: Whatever it was, there was only one election brought to the attention of the House. Therefore, I say that no one can conclude from that that wrong-doing is general or in fact reach any other conclusion than that the election officials throughout the country are law-abiding citizens.

Mr. HANSON: That only means that the parties get together and decide that there shall be no election.

Hon. Mr. CANNON: No, I beg pardon, I do not think that the candidates of either parties have really any strong complaint of the electoral officers in any constituency. I know in my constituency in 1921 and 1926, all the officials were appointed by the Conservative government. I have no objection to that system and I know that I never had any difficulty with any of those men. They were very honest and very reasonable men and I think that can be said generally about all our elections throughout Canada, with some very few exceptions.

Mr. BOYS: Don't you think something prompted Mr. Biggar's report?

Hon. Mr. CANNON: I do not agree, Mr. Boys, with the inference that you draw from Mr. Biggar's report. Mr. Biggar does not lay much stress on the fact that these officials might be Conservative or Liberal or Farmers or Progressives. He says that the change that should be introduced in our whole system would be to have permanent officers instead of officers who only hold office for an election. So that permanency having been given to their position, an improvement in the efficiency of the system will follow. I think that is what he had in mind.

The Committee now face this situation: appointments were made and our discussion was given to the returning officers. Some members say that not enough officers of our own political faith were appointed. Will it be suggested that Mr. Castonguay should take 50 Conservatives and 50 Liberals? Would that improve the situation? If you do not want to have a partisan appointment,

a Conservative is just as much a partisan as a Liberal; I do not see any difference. But I do not think that we have had very strong complaints against the election officers and that is what Mr. Biggar wanted. He wanted these officers given permanent appointments in order to increase the efficiency of their services; but he did not lay much stress on whether they should be chosen from one party or another. Every man in Canada belongs to one party or the other; how could you choose officers who would not be Conservatives or Liberals? So far as Quebec is concerned that would be difficult.

Mr. LADNER: May I ask this question on that point? Certainly if they appointed 50 Conservatives and 50 Liberals, or rather if they appointed all Conservatives or all Liberals, it would be the same as if they were partisans. It would appeal to one's common sense that it would be as well to have some of each.

Hon. Mr. CANNON: Now you are talking about enumerators.

Mr. LADNER: Yes.

Hon. Mr. CANNON: I was not speaking of that. In Quebec I think the returning officers have proven satisfactory. Most of them are officials, or professional men of high standing. I might say to my friend from New Brunswick that I know of one returning officer in the province of Quebec who was appointed by the sitting member and who was pretty high up in the Tory organization.

Mr. BOYS: That is the one you referred to?

Hon. Mr. CANNON: No, another. One of the members is right here in this room. And I am not kicking about that. But why should we sit here in this Committee criticizing Mr. Castonguay about one or two incidents when the very same thing is done by other members. Let us be frank and open about it.

Mr. RYCKMAN: Mr. Chairman, I want to say just a word to carry the matter a little further if I can. We all admit that we are partisans. There is no doubt about that. But we are like young men at college in a football game; we want to know that the referee is all right and that the umpires are all right, and then the game can go on and the side that loses can take its defeat in a sportsmanlike manner. If that is done there cannot possibly be any complaint: there will be no ill feeling and our country will be healthier. I have had no objection to the returning officers appointed in my constituency. I was not consulted. If I have been correctly informed, I do object to the manner in which he was appointed, but there is not a word to be said against the gentleman, and I have nothing to hope from him and neither would any Liberal candidate in my constituency have anything to hope from him, and we will have a fair election. But let me take issue with what the Minister has just said. I will say to the Minister that res ipsa loquitor; 245 members and 30, Mr. Boys says; I say, less than 30—

Mr. BOYS: I say, less than 30.

Mr. RYCKMAN: Less than 30 Conservatives. Therefore, you are 215 and we are 30. Now then I say that that speaks for itself.

Hon. Mr. CANNON: I am not speaking for any other province than my own. You take the list in Quebec and the great majority of the returning officers you can speak of as being out of politics altogether. They are officials and have been out of politics for years.

Mr. BOYS: 31 out of 65.

Mr. RYCKMAN: I am speaking of the figures, 215 to 30. But let us pass from that. Why should there not be a recommendation from this Committee that the electoral officer shall instruct the returning officers and deputy returning officers to divide the appointments as equally as possible—always having competent men—but divide the appointments of the men who control the elec-

tion evenly between the parties? If there is a Progressive party, all right, consider them; but in the spirit of fair referees, and no umpire who is working against you, try to carry on the election.

The CHAIRMAN: Now, gentlemen, have we finished with everything that is passed? Let us look towards the future and see if we cannot carry out some of these ideas of having fair referees as far as we possibly can now.

My first thought, I can assure the Committee, was along the line proposed by Mr. Ryckman, that the returning officer be instructed to appoint the sub-officials 50-50. I tried it in my constituency and I consulted with the returning officer and he consulted with me and I asked him to do that. The only logical conclusion I can come to from the standpoint of practical politics is to have one enumerator to check the other.

With those ideas in mind, I asked Col. Biggar to draft an amendment to the Act which would cover that. That amendment perhaps needs a little further consideration, but if the Committee is willing to entrust me with the task of seeing Col. Biggar in order that that may be drafted I will endeavour to do so and bring it to the next meeting.

Mr. BOYS: Perhaps there would be power to the officer to sit in judgment on the two enumerators.

The CHAIRMAN: The idea is that these two men should go out together, they must go out together and they would go from house to house as an enumerator is supposed to go, and if there were any dispute between them the name of the person in dispute should go on the list, because it would be manifestly unfair to put any citizen to the trouble of having to go and register anew or go to the revisor's court simply because some enumerator did not want his name on. His name would go on the list and the enumerator of the opposite party should have some reason to give for the assertion that his party was injured and he would doubtless in the month or six weeks at his disposal between that time and the time the list would be completed—he would have time to refer back to his own people or refer to the persons most interested and the final decision could be arrived at by the revising officer. That is to say, I would not put the onus of proof that he is a voter on the person who is objected to; but I would put the onus of proof on the persons who object to his being a voter, because otherwise you would only put this particular citizen to a great deal more trouble.

Mr. HANSON: I think that principle is sound. I was going to suggest this: That yourself and Mr. Boys be appointed a subcommittee to meet Col. Biggar and finish this draft. I have been over it pretty carefully and I think it can be improved upon.

Mr. BOYS: Would you go this far? I do not know whether all the members of the committee have seen this or not; if not, could it not be read and see if they approve of the principle?

The CHAIRMAN: We do not need to read the draft. The principle is that we would have one enumerator to check the other and the final decision, if there is a row between them, to be left to the returning officer.

Mr. KELLNER: You are talking about two political parties; in my constituency I have as many as five; Communists and everything else.

The CHAIRMAN: The returning officer shall give notice to the candidate or the representative of the candidate who, at the next preceding election, received the highest number of votes, and also to the candidate or representative of the candidate at such election, representing a different and opposed political interest, who received the next highest number of votes.

Hon. Mr. CANNON: Mr. Chairman, before you go any further, suppose the candidate is dead or has been appointed to a judgeship?

The CHAIRMAN: His representative.

Mr. HANSON: His official agent. You will have to take care of a situation like that. The principle is there all right. Well, it is an honest attempt to meet the situation anyway.

The CHAIRMAN: Is it understood that the subcommittee, consisting of Mr. Boys, not the Chairman, because the Chairman has enough work now, and the Solicitor General—

Hon. Mr. CANNON: No, I cannot act. You will have to appoint somebody else; I would be partisan. Another point that comes to my mind is, you were talking about canditdates or sitting members; but what about at the time this will be done? You do not know who will be running.

The CHAIRMAN: The representatives of those who have the highest, and the next highest number of votes.

Hon. Mr. CANNON: At the preceding election.

The CHAIRMAN: Yes.

Hon. Mr. CANNON: What about the next election?

The CHAIRMAN: It is easy to find out who is the representative of the political interests.

Mr. JACOBS: Why should you take the highest number of votes? In 1926 I had the highest number of votes, the Independant Liberal, Mr. Parent, was second, and the Tory came a poor fourth. In that case, will you have Mr. Parent? I want to protect the Tories.

The CHAIRMAN: You and Mr. Parent can get together.

Mr. HANSON: The candidate, or the representative at such elections, representing the different and opposing political interests. Surely that would not apply to Mr. Parent.

Mr. JACOBS: That would apply to Mr. Parent. Mr. Parent was running as the French Canadian Liberal, and I was running as a Jewish Liberal.

Mr. HANSON: He was only opposed to you on account of your race?

Mr. JACOBS: I ran against him, or he against me. He did say that I did not represent the feeling in his division, but the vote showed that I did. I have to look after my friends, the Tories, because I feel that the Liberal can take care of himself in that division. The Tory needs protection, and I think he should have some protection.

The CHAIRMAN: Having got this settled, how about the other amendments to the Act?

Mr. KELLNER: Mr. Chairman, before you start out with all those amendments, I want to take the Committee back to the point where the Solicitor-General took it away. We spent two years on this, arguing that partisanship was a desirable thing to get away from.

The CHAIRMAN: We are going to have an election, and we want to get some amendments to the Act. Do you not think we have discussed this matter fully? Personally, I do not want to come back here more often than is necessary, because surely I have enough jobs, and I will give up this job if we continue to rehash all these troubles. I am not coming back if you do that.

Mr. KELLNER: There were two court cases, Peace River had one as well as Athabaska. There is the head of the political machine. That is what ought to be removed, and partyism is the reason it is there. We have come here and made this just as much a party machine as it ever was. There is no question about that, if I accept this. Therefore I consider it is of importance, and is well worth the time of the Committee for the next two days, to give it consideration.

The CHAIRMAN: What do you propose to do in Committee the next two days?

Mr. KELLNER: I do not know what can be done, that is one point we will have to discuss. I would like somebody to help us.

Mr. BOYS: Your recommendation is that the present appointees should be removed.

The CHAIRMAN: Do you want to put that proposal on broad lines? I think, if we cannot come to an agreement as to the rest of the procedure that is to be carried out, that we might as well adjourn the Committee right away. There is no use coming back day after day, indulging in recriminations. Personally, I will not come back.

Mr. DUSSAULT: We are going to cure one party organization by putting in another one.

The CHAIRMAN: That is what they call homeopathic treatment.

Mr. JACOBS: That is like snake medicine, poison for the bite.

Mr. DUSSAULT: We have been talking to-day about party organization, I am against party organization.

The CHAIRMAN: Can we come to an understanding as to the legislation by agreement? Can we come to an understanding that from now on we are going to endeavour to obtain some legislation by agreement? If not, I think it is useless to sit.

Mr. MCPHERSON: Are there any proposals before us, or amendments?

The CHAIRMAN: We have what was left over from last year, and then those dealing with the mariners and the blind.

Mr. BOYS: Mr. Chairman, I would like to suggest that, instead of having me act with you on this subcommittee, we should have others with us, and see if we cannot agree on the legislation dealing with the blind and the mariners, and if we cannot do so, we will leave them out.

Mr. HANSON: I suggest that we appoint a small subcommittee to bring in all the recommendations.

Hon. Mr. CANNON: Instead of forming the subcommittee now, why not leave with the understanding that it will be appointed?

Mr. LADNER: You had better appoint the subcommittee now.

Mr. MCPHERSON: I think the proposal in connection with the blind was put in in concrete form.

Mr. HANSON: All you have to do is to say you recommend the principle.

Mr. BOYS: If we can agree to the legislation, we can get Colonel Biggar to draft it, and say, "Here it is."

Mr. LADNER: The Chairman, Mr. Boys and Mr. Kellner, the three of them can meet and solve the matter.

Mr. HANSON: With power to call on Mr. Biggar.

The Committee adjourned until Tuesday, May the 13th, at 11 o'clock, a.m.

SESSION 1930

HOUSE OF COMMONS

MINUTES OF PROCEEDINGS AND EVIDENCE

OF THE

SPECIAL COMMITTEE

ON

DOMINION ELECTIONS ACT AND CORRUPT PRACTICES INQUIRIES ACT

No. 7

WEDNESDAY, MAY 21, 1930

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1930

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,

WEDNESDAY, May 21st, 1930.

The Comittee convened at the hour of 11 a.m., pursuant to notice given.

Members present: Anderson (Toronto High Park), Bancroft, Black (Yukon), Bothwell, Boys, Cantley, Dussault, Girouard, Hanson, Ilsley, Kellner, Kennedy, Ladner, Laflamme, MacDonald (Cape Breton S.), Power, Ryckman, St. Père, Sanderson, and Totzke.

Mr. Power, the Chairman, presided.

The Committee agreed to the recommendation that blind voters be allowed to have a relative or friend mark their ballots for them.

An Amendment to section 3-33, authorizing voters lists used in the general election to be used in any bye-election held within six months after the polling day of the general election, was agreed to.

Objection was made to the proposed double enumerator system, and after discussion, on motion of Mr. Totzke, seconded by Mr. Ilsley, decision on this principle was deferred until four o'clock, p.m.

Mr. Neill made a statement regarding summer residents, fishermen, and others, being disfranchised by a certain amendment of last session, and proposed that an amendment be made to permit certain seasonal workers to vote. This was carried on division.

An amendment to retain the services of Col. Biggar as counsel to the Chief Electoral Officer was agreed to.

The Committee adjourned until 4 p.m. this day.

J. P. DOYLE,
Clerk of the Committee.

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,
WEDNESDAY, May 21st, 1930.

The Committee convened at the hour of four o'clock pursuant to notice given.

Members present: Anderson (Toronto High Park), Bancroft, Bird, Black (Yukon), Bothwell, Boys, Cahan, Cannon, Cantley, Dussault, Girouard, Hanson, Ilsley, Kellner, Kennedy, Ladner, Laflamme, Lapierre, MacDonald (Cape Breton S.), Power, Ryckman, St. Père, and Totzke.

The principle of having two enumerators was carried on division.

Moved by Mr. Ryckman, seconded by Mr. Cahan, that Messrs. Cannon, Boys, Kellner and Power, with Col. Biggar, be appointed a sub-committee to draft amendments which were approved in principle. Also that if their report be unanimous that it be presented to the House without being submitted to the Committee. Carried.

Mr. Cannon pointed out that no provision exists for the Chief Electoral Officer, and suggested that an amendment be made to entitle him to superannuation. This was agreed to.

The amendment proposed by Mr. Neill that certain seasonal workers absent from their homes be allowed to vote was carried on division.

After discussion on the system of providing polling booths it was decided that no change be made now.

The suggestion that official notice be sent to voters advising them where their polling booth is located was not approved.

The Committee adjourned to the call of the Chair.

J. P. DOYLE,
Clerk of the Committee.

MINUTES OF EVIDENCE

ROOM 429, HOUSE OF COMMONS,
WEDNESDAY, May 21, 1930.

The Special Committee appointed to consider the Dominion Elections Act met at 11 o'clock, the Chairman, Mr. C. G. Power, in the chair.

The CHAIRMAN: Before Mr. Boys comes in we might open the discussion by talking about the blind. Do I understand that it is the unanimous opinion of the committee that we should provide an amendment covering the blind? Mr. Boys, I know, favours that strongly.

Mr. BOTHWELL: Yes, certainly, I think we ought to.

The CHAIRMAN: I think there may be practical difficulties. Do you see any, Mr. Biggar?

Mr. BIGGAR: The only practical difficulty is that of getting it widely known before it will have to be resorted to. If it were a longer interval, I do not think there would be any substantial difficulty; but it would work where it is known, I would imagine. Everything is printed, I understand.

Mr. KENNEDY: Through the organizations it would become known, Col. Biggar.

Mr. BIGGAR: I think a special memorandum would make it work reasonably well.

The CHAIRMAN: After all, they will not come to vote for two months, and it is not as if these were instructions which had to be given to the returning officers at the time of the issue of the writ. There are two whole months.

Mr. RYCKMAN: News travels very fast.

The CHAIRMAN: Especially among the blind.

Mr. RYCKMAN: And especially good news.

The CHAIRMAN: Then we may take it for granted that the committee unanimously agrees to the special provisions for the blind.

Mr. HANSON: A provision whereby they can have a friend mark their ballot.

Mr. DUSSAULT: You might as well have the same provision for a man who cannot read or write; he does not understand a word. If you provide for a blind man, why not give it to a man who does not know how to read or write?

The CHAIRMAN: It has been pointed out to me that there is an important point about that, in that you can tell when a man is blind; but you cannot tell about the others.

Mr. HANSON: And it would be open to all kinds of fraud.

Mr. DUSSAULT: It is the same thing with the other fellow as with a blind man.

Mr. HANSON: If you do that, there would be hundreds led into the folds like sheep.

Mr. LADNER: Are we to discuss it now, Mr. Chairman?

The CHAIRMAN: Is there to be any discussion on this point, or is it carried? Carried.

All right, let us go on. Now, as to the sailors, I think it was pretty well decided by the sub-committee that we could not at this stage of the proceedings deal with mariners. Is that your understanding of it, Mr. Boys?

Mr. BOYS: Mr. Anderson, were you able to find anything about the working of that, in Toronto?

Mr. ANDERSON: No, Mr. Chairman.

The CHAIRMAN: I think it would be almost impossible for us to do anything with that at this time, because that is something which has to be looked after during the preparation of the lists. Will that go by the Board for this year, then? Carried.

Then we come to another important amendment with respect to by-elections, which might take place after the general election. You will remember that last year in the committee we dealt only with the general election, because we did not wish to involve the Act by making provision that the new Act should be in force for by-elections which would take place between the date of the passage of last year's legislation and the general election which we felt would come on this year; so that we deliberately did not deal with by-elections.

Mr. LADNER: Are you referring to ministerial by-elections?

The CHAIRMAN: Practically with ministerial by-elections, and we have dealt with by-elections in a report which we made to parliament. But Mr. Biggar has drafted a short clause which I think would be of great use in case the country is so unfortunate as to have a change of government and a necessity arise for ministerial by-elections after the general elections. That is not in the amendment, but it is understood.

Mr. BOYS: Is that a proposition for debate?

The CHAIRMAN: It is a matter of general appreciation.

Mr. BOYS: I think I know why this is being done. Would it not be well, in case we do not all understand, that we should be given to understand why it is necessary to have this amendment?

The CHAIRMAN: It is necessary to have some such amendment, because otherwise, should there be a change of government and ministerial by-elections be necessary, it would take two months possibly before you could have the by-elections.

Mr. BOYS: In other words you have to go through all the same proceedings for the by-elections as for the general elections.

The CHAIRMAN: Yes, and even then under the Act it is doubtful what you could do. We said twelve months, but I think probably we could have it within six months. This is the amendment:—

> When a writ of election in any electoral district is issued within twelve months after the day fixed for the poll at the next preceding general election under this Act in that electoral district, it shall not be necessary to prepare lists of voters for such election as in the next preceding section provided, if there are on file in the Chief Electoral Officer's office copies of the lists of voters prepared for such preceding election, but it shall be the duty of the Chief Electoral Officer to forward to the returning officer as soon as possible after the issue of such writ of election at least twelve copies of the lists so on record for each polling division.
>
> (2) Such lists shall be used at such election in the same way, in all respects, as if they had been prepared therefor; at least two sets thereof shall be furnished by the returning officer to each candidate formally nominated.

I might ask Col. Biggar whether that does away with revision absolutely.

Mr. BIGGAR: Yes, absolutely.

Mr. HANSON: I do not think that would give satisfaction in the country, if you give twelve months.

The CHAIRMAN: If you shorten it to six months, it would not be so bad.

Mr. BOYS: Is there any reason why it should be more than six months? I cannot think of any.

The CHAIRMAN: With this you could have an election within fifteen days, practically.

Mr. HANSON: Why the necessity of that?

The CHAIRMAN: I thought you wanted to go to the old country. You have no appreciation for anybody's efforts on your behalf.

Mr. BOYS: Why would not three months be ample?

Mr. BIGGAR: Three months would be ample, but I think the lists would be good for six months. It has been a year by year list.

The CHAIRMAN: We have been dealing with two year old lists in Quebec right along.

Mr. TOTZKE: It only deals with Quebec, a man can swear himself in.

Mr. BOTHWELL: I think the term should be as short as possible for urban districts.

Mr. BOYS: Personally I would favour six months, and I cannot see why it should be longer. It is really for ministerial by-elections.

Mr. RYCKMAN: You could make it four months.

Mr. BIGGAR: It makes the ministerial by-elections very fast, because it is dated from polling day, while the return will not be made for perhaps three weeks or a month from polling day, in which case the three months would really make it only two months.

Mr. HANSON: Why not make it three months from the return?

Mr. BIGGAR: The return is rather uncertain. It would be much better to date it from the polling day. I think you would be perfectly safe with six months.

Mr. LADNER: Mr. Ryckman makes a suggestion that it might be four months.

Mr. BIGGAR: Yes, it is only a question of how long it would take.

The CHAIRMAN: Is there any objection to six months, as a compromise. Carried.

Mr. BOTHWELL: Where would that follow in the Act?

Mr. BIGGAR: At present it is section 33. This is a new section 33.

Mr. BOTHWELL: What are you going to do with the present section 33, as it stands now?

The CHAIRMAN: Repeal it and substitute this new section for it.

Mr. CANTLEY: What about copies, Mr. Chairman.

The CHAIRMAN: The Chairman possibly has fallen down on preparing copies.

Mr. BOTHWELL: That would be only the first part affecting section 33, would it not?

Mr. BIGGAR: No, the whole of the section.

Mr. BOTHWELL: You have these other provisions in section 33.

Mr. BIGGAR: As a matter of fact that has never happened, so that we did not think it was necessary to provide for it.

The CHAIRMAN: Now we come to the double enumerator system.

Mr. BOTHWELL: Have you any copies of that?

The CHAIRMAN: No, I have not. I think everybody has read this proposed amendment. Does the committee want me to read it again?

Hon. MEMBERS: Read it.

The CHAIRMAN: (Reading):

> Rule (1) Forthwith after the receipt by him of notice from the Chief Electoral Officer that a writ of election has been issued for his electoral district, the returning officer shall apoint in writing in Form No. 4A in Schedule One to this Act, two persons in each polling division or part thereof to enumerate the voters therein, and shall require each of such persons to take an oath in Form No. 4B in said schedule that he will act faithfully in the capacity of enumerator without partiality, fear, favour or affection and in every respect according to law.

Mr. TOTZKE: Should that be in each polling division or subdivision?

The CHAIRMAN: The principle is that there should be two enumerators. Is there any discussion on the principle? Is that carried?

Hon. MEMBERS: No. What is it we are voting on?

The CHAIRMAN: The principle is that there are to be two enumerators.

Mr. DUSSAULT: We have had only one, and now are to have two?

Mr. BOTHWELL: How many centres throughout the Dominion would that apply to?

The CHAIRMAN: I have that somewhere, Mr. Castonguay, you had that a moment ago in my office. Here I have it now. In the Province of Ontario there will be 3,830 enumerators required, that is, with the two enumerators.

Mr. BOTHWELL: On what basis is this to be calculated? In cities or municipalities with 10,000, if the chief electoral officer declares a certain section of the country to be an electoral division? If there is a rapidly growing centre close to a town, and so on.

Mr. BIGGAR: Where the population is fluctuating.

Mr. BOYS: It is to cover a floating population.

The CHAIRMAN: Yes. In Quebec there will be 2,200.

Mr. TOTZKE: Do you mean, Mr. Chairman, that there are 3,000 extra enumerators in Ontario?

The CHAIRMAN: There will be 3,830 city or urban enumerators, the two together.

In the Province of Nova Scotia there will be 190. In New Brunswick 150. In Prince Edward Island there will be 25. In Manitoba there will be 585. There will be in British Columbia 650; and in Saskatchewan 210. There will be in Alberta 350. These are approximate, but I think they are reasonably correct.

That is the number we will have, if there are double enumerators, will amount in all to 8,200.

Mr. RYCKMAN: What is the cost of that?

The CHAIRMAN: It would be approximately $25 each.

Mr. ILSLEY: Can Mr. Biggar tell us what is the reason for that?

Mr. ST. PÈRE: For instance, in my riding, what would be the cost?

The CHAIRMAN: Are the members of the committee satisfied as to the number?

Mr. ST. PÈRE: We cannot agree on the number first. We may have four candidates.

The CHAIRMAN: This does not refer to the candidates at the present election. The candidates at this election have not anything to do with the

appointment of these enumerators. It refers to the preceding election; it is based on the candidates at the preceding election.

Rule (1A) has been substituted. This is a permanent provision to be placed in the Act, but for this present election this will have to be altered: (Reading):

> At least ten days before he proposes to select the persons who are to act as enumerators as aforesaid, the returning officer shall give notice accordingly to the candidate or the representative of the candidate who, at the next preceding election in the electoral district, received the highest number of votes, and also to the candidate or the representative of the candidate at such election representing a different and opposed political interest; who received the next highest number of votes, and he shall, if such candidates or either of them within the ten days aforesaid, recommend an enumerator for appointment on his behalf in any polling division or part of any polling division, select for appointment, and in due course appoint, the person so recommended.

It has been pointed out to me, in some discussion that I have had, that the ten days' provision could not very well apply to our present situation, that it is possible that ten days would be too long a period, and so I have asked Mr. Biggar to draft an amendment, and I have it as follows:—

> 5*a*. The provisions of Rules 1, 1A and 1B of Schedule A to section 32 of the Dominion Elections Act as enacted by the Act shall not apply to any election for which the writ is issued within one month from the date of the coming into force of this Act, but the returning officer at any such election shall, in the manner and subject to the conditions in the said rules specified, act upon any recommendations he may have received from the candidates in the said rules specified at any time earlier than two days from the date of the issue of such writ, and if no recommendation has been received from any candidate for any polling division or part thereof entitled to make a recommendation, the returning officer shall, so far as possible, select therefor a person or persons whom he reasonably believes to be a person or persons who might have been expected to be recommended by the candidates or candidate from whom no recommendation has been received.

This is perhaps not very good law, but it is intended to serve the purpose. The reason we have changed that is that some delay must be given to the political party. In order that the returning officer may not be embarrassed, he must name these enumerators immediately on the issue of the writ; so that it is supposed that within the next week or ten days, if this amendment is agreed upon when it comes before the House, the political parties will have time to warn their representatives at home; and that will give them a week, say that the dissolution takes place at the end of next week, in which to prepare their lists of enumerators.

Mr. LADNER: Technically the candidate would have two days.

The CHAIRMAN: No, he has within two days of the issue of the writ to submit the names to the returning officer. It is not the candidate at the present election who is to do this, but the representative of the candidate at the last election.

Mr. HANSON: Supposing dissolution takes place on the 28th and that the writs are issued on the 29th and the members are then on their way home?

The CHAIRMAN: The idea is that they shall wire their representatives back home.

Mr. TOTZKE: I think, Mr. Chairman, that copies of the amendment should be distributed to the committee.

The CHAIRMAN: I have not copies. I have only received it this morning. I think you can trust us to do a little drafting after we have all agreed on the principle.

Mr. BANCROFT: Where there were two candidates in the last election, I thought I understood from the discussion the other day on this matter, that it would be the two who hold the highest votes who would be considered?

The CHAIRMAN: Yes, the sitting member and the one who ran next.

Mr. BANCROFT: That is not necessarily the effect of what you have just read, or I did not catch it in that way.

Mr. HANSON: Yes, I think that is quite clear.

Mr. BANCROFT: It was those who represent the different political interests.

Mr. HANSON: It is intended that each political party shall have representation.

Mr. ILSLEY: How about it if there are two of the same political interest?

The CHAIRMAN: He would not represent an independent interest, if he called himself an independent.

Mr. RYCKMAN: In Toronto, for instance, there might be a Conservative and an Independent Conservative.

Mr. ANDERSON: In Montreal, Mr. Jacobs was a Jewish Liberal, and he was opposed by an independent. A Conservative might also be in. It was agreed that the two highest should prevail.

Mr. TOTZKE: If there are two seats, where are you to get your two enumerators?

Mr. BOYS: I think in a certain event the Liberal should have a right to nominate in your riding. If we get the idea, as the Chairman said, we can do a little drafting. I think there should be two political parties represented, whether it is Labour, Progressive, Tory or Grit; you take the two highest and go by that. If the two highest are both Tories, then it is manifest that the next highest, if he is a Liberal, should have a choice.

Mr. TOTZKE: In my case there are only two Liberals.

Mr. BOYS: The idea is to get a clean list, and to see that each party is represented in its preparation.

Mr. TOTZKE: In the case of two candidates, both belonging to the one party, how are you going to get your two enumerators? If the intention is to get the best possible list, there should be the second enumerator. In this case, we would have only one enumerator.

Mr. ILSLEY: Anything is all right, as long as it is capable of an application. My only point is that we should not put the returning officer in a doubtful position. I do not see how he can say whether the second man is an independent party man or not. If he calls himself a Liberal, a French Liberal, or a Jewish Liberal, he is the opposition, if he is running against the other man.

Mr. HEAPS: While I am not a member of this committee, perhaps I might add something, Mr. Chairman. I am not interested in the compilation of the list, but if you have such a clause, you are going to run into difficulties. I remember in 1923 there was a by-election for the House, and there were only two candidates, a Liberal candidate and myself. At the next election there were the Liberal candidate and the Conservative candidate. I do not know how you can get the two enumerators in such a case. I am opposed to the idea of having anything in an Act of Parliament which confers certain rights upon any political party. I think that is contrary to all British forms of government. Under our British form of government, we have never yet recognized a political party, whether Liberal, Conservative or any other. (By leave of the Chairman.)

Mr. FINDLAY MACDONALD: How are you going to avoid it?

The CHAIRMAN: That is what we have always avoided. Provisions have existed and are in this Act providing that candidates shall obtain electoral lists when the lists are printed.

Mr. HEAPS: But that is different from giving them a position of responsibility under the government. One is providing them with a list for the election, and the other is in connection with the making up of the lists and paying them, and making them an official of the state with a certain status, which I do not think is right in our election machinery. In fact we seem to be proceeding toward the American method of elections, where we will soon have conventions which will choose our candidates.

If you cannot get a proper list compiled by enumeration, I think it would be better to go back to personal registration, although I know that has been subject to abuse. In my own district, I am quite satisfied, whether it is Liberal or Conservative, to have one man make the enumeration. I think that would be satisfactory all throughout Western Canada.

At the present time I have a Liberal who is the returning officer, and he appointed a Conservative as his chief clerk. We are not afraid of that. I do not see why such an arrangement should not be made throughout the electoral districts of Canada, and not have one party watching the other. It implies something wrong in our whole method of electioneering. I am quite satisfied to have one man responsible for his enumeration, and to have him responsible for the getting out of the list.

Mr. ANDERSON: I think it is to be recognized that there would have to be representations. I think Mr. Heaps has a wrong idea that the enumeration is to be divided between the Liberal and the Conservative parties. This provision does not look to that, but is intended to secure clean elections.

Mr. TOTZKE: I will give you an illustration. In Peace River we had U.F.A. and Conservative. I understand it has been suggested here to-day that in case there was not a U.F.A. or Conservative candidate, if the Liberals had a candidate he would be entitled to the second enumerator.

Mr. ILLSLEY: Is there any place in the Act where it speaks of opposing political interests?

Mr. BIGGAR: Yes, Rule 12, Schedule A or Schedule B.

The CHAIRMAN: Rule 12 is on page 146, and provides that:—

> The registrars shall permit to be present in the place of registration two representatives of each recognized and opposed political interest in the electoral district, but no such representative shall, except with the permission of the registrar, have any right to take part or intervene in the proceedings.

Mr. TOTZKE: That is quite different. This which is being proposed now would be different.

Mr. CAMPBELL: Each candidate is permitted a representative at the poll.

Mr. HANSON: At the poll they are recognized.

Mr. TOTZKE: Oh yes, the scrutineers. I think there seems to be quite a difference of opinion here. I think both amendments should be printed and supplied to the members of the Committee.

The CHAIRMAN: What I am trying to get at is some consensus of opinion, as to the advisability of this. Personally I am strongly of opinion that it is not only advisable but almost necessary. I think if you agree on the principle you can leave the drafting of it to us, and we can submit, this afternoon or to-night, to another meeting of the Committee, complete drafts. And we can get the opinion of the Committee, first, if there are any difficulties or suggestions which might be of use to the Committee in redrafting.

In the original draft, which was submitted to the Committee some week or ten days ago, and which I suppose is in the printed proceedings, it is suggested that the returning officer would have no option but to select for appointment the persons indicated to him by these opposing political interests.

It has been pointed out to me that after all the returning officer is in a certain responsible position and we should give him some discretion. And for that purpose we have drafted something which might cover the case:—

> If in the opinion of the returning officer there is good cause for his refusing to select or appoint any enumerator recommended by any candidate as aforesaid, he shall give notice accordingly to the person by whom the recommendation was made, and unless within forty-eight hours after such notice there is made a substitute recommendation against the returning officer's acting upon which no good cause exists, the returning officer may select and in due course nominate such substitute for the person recommended as he sees fit.

I think it is only right to give to the returning officer the choice of two, because it might very well happen that inadvertently the candidate or the candidate's representative might forward the name to the returning officer of someone against whom there might be a good objection.

Mr. TOTZKE: What is the cause to be? There is an absolute discretion, and he may refuse the second nomination.

The CHAIRMAN: He may, but he is not supposed to be an absolute fool.

Mr. TOTZKE: The returning officer appointed mine.

The CHAIRMAN: I think if you will give him a reasonable discretion in this that we are not likely to have any great difficulty.

Mr. TOTZKE: But there is a difficulty.

The CHAIRMAN: Oh yes, there is a possibility of anything happening during an election. Would some such section as that meet with the approval of the Committee?

Some Hon. MEMBERS: No, no.

Other Hon. MEMBERS: Carried, carried.

Mr. LAFLAMME: The chief electoral officer should have the discretion.

The CHAIRMAN: The Committee is of opinion that the returning officer must have the discretion?

Mr. TOTZKE: I do not think the Committee has decided anything yet, at all, on that.

Mr. HANSON: If we are going to have a double enumeration, let us say so. If not, let us know it.

The CHAIRMAN: I thought it had been more or less arranged that we would not take a decisive decision on any of these matters in dispute without the full committee being here. If we cannot agree, we might adjourn for fifteen or twenty minutes and get all the members present who are interested and decide it.

Mr. TOTZKE: Why not have the amendments printed, so that they may be distributed?

Mr. HEAPS: Have you settled the question of the double enumerators?

The CHAIRMAN: I thought we had decided that. However, in view of the fact that I have always stated to the members of this committee that I would give them an opportunity to collect their forces, so to speak, before any division on an important principle, I am prepared to adjourn for half an hour, if anybody will move it, or to this afternoon.

Mr. LADNER: Mr. Chairman, before any motion is made, may I say, I have listened to the objections against the double enumeration, but I have not

heard one objection against the general and substantial principle of trying to elevate the cleanliness of our elections. The objections have been made as to the possibility of detailed difficulties. Someone has said that in some constituencies there might be difficulties. We have 245 constituencies in Canada, and we have something proposed which is calculated to take out of the preparation of the lists extreme partisanship.

We have yet to hear one objection against the general principle of double enumeration. The only thing that I can infer is that there might be an objection in the minds of some of the members of the committee, that by having a single enumeration we might slide back into something from which we are trying to escape.

Mr. BOTHWELL: In the electoral district which I represent, this proposition does not affect me at all. There is no urban district in the constituency; and I cannot see any necessity for the double enumeration. You might go over the whole list of electoral officers and say that if you have to have double enumerators you also will have to have double officers everywhere in connection with the Act.

The duty of the enumerator is to obtain full particulars for every voter in the district. If he cannot get the information because he cannot get into the house, he has to get the information from the neighbours. He is also required to take an oath that he will faithfully discharge his duties as an enumerator.

Mr. LADNER: Suppose he does not?

Mr. BOTHWELL: Suppose the returning officer does not perform his duty. The enumerator has taken the oath and is supposed to be a man qualified to do the work.

Mr. HANSON: I understood this was agreed to, Mr. Chairman.

The CHAIRMAN: Is there any suggestion as to whether we should have a division on this, or whether we should postpone the division until this afternoon, or for half an hour? I am in the hands of the committee.

Mr. TOTZKE: As you have announced that we should have an opportunity for all members of the committee to be here, I would move that we adjourn until 4 o'clock this afternoon.

Mr. ILSLEY: I think it would be better. I do not know at present how I should vote.

Mr. BOTHWELL: Instead of having the motion dealt with that we should adjourn until 4 o'clock, I think there is another matter, Mr. Chairman, which Mr. Neill wants to bring up here and which might be dealt with this morning, with reference to fishermen.

The CHAIRMAN: Then is it agreed that this discussion shall go over to a meeting at 4 o'clock this afternoon.

Mr. ST. PÈRE: When may we have a draft of the amendments?

The CHAIRMAN: I refuse to draft a single thing until the principle is agreed upon.

Mr. ST. PÈRE: Then we will have all the discussion over again.

Mr. NEILL: This matter does not affect me alone, but a good many districts as well. With reference to a clause in the Act of last year, dealing with what it called Summer Homes, section 110 of the Election Instructions provides, under "Summer Residents":—

> No one who has a summer residence in an electoral district is on that account entitled to vote in that district, unless either—
>
> (*i*) his summer residence does not ordinarily remain unoccupied during some or all of the winter months (November to April), or

(*ii*) he was in fact resident at his summer residence at the date of the issue of the writ and had at that time no other quarters to which he might at will remove.

That is in the instructions to registrars. And here are further instructions in regard to summer residents, in No. 187.

That is quite clear. But the Act which governs reads as follows:—

Except persons who, at the date of the issue of the writ of election, have no other quarters to which they might at will remove, no person shall be deemed to be resident at the said date in quarters or premises which, notwithstanding that they may be sometimes or ordinarily occupied during some or all the months of May to October inclusive, ordinarily remain unoccupied during some or all the months of November to April inclusive.

This is the effect of it, "except persons who, at the date of the issue of the writ of election have no other quarters." That would disfranchise a large number of people who engage in seasonal work. It applies not only to fishermen but to men who go from Vancouver or Victoria to work in logging camps on Vancouver Island. They would be disenfranchised because, being married men, their home is in Vancouver. It is a sort of a play upon the words "summer home." These men are workers who leave Vancouver and go out to work in a camp or in the fisheries, and if an election is called on the 1st July, they are disqualified; and they should vote, under every section of the Act but this; and it has been held that that is a summer home, if they are married and have their home in Vancouver, and they are disfranchised. The fisherman has his home in Vancouver and goes up to Skeena, and he has always voted there. Under the present act there was a provision for swearing in, and the fishermen could take the oath and say he was residing at the present moment in the Skeena district, and was entitled to vote. Now he would be disqualified, because this provides that no person shall be deemed to be a resident in the said district if his summer home ordinarily remains unoccupied during some or all of the winter months from November to April.

It should be made clear in the Act what the instructions apply to, namely, to those who have summer homes for men of leisure; and that it does not apply to summer workers. This refers at present to hundreds of people.

Mr. KELLNER: This requires only that they reside for two months.

Mr. NEILL: Yes, at page 142.

The CHAIRMAN: I have no great objection to Mr. Neill's amendment, but I think we should confine ourselves as far as possible at this stage to matters which are important generally for the conduct of the election. I only give that as my own personal opinion. I would not care to add any further instructions to all the new instructions which the new returning officers now have. The Act is complicated enough.

Mr. HANSON: There will be other classes which should be dealt with, and who have as much right to be dealt with as those referred to by Mr. Neill, although I admit that those men should not be disqualified, for instance, lumbermen and shinglemen, whose summer home is back in the shanties anywhere, you may say.

Mr. BOTHWELL: This should be in subsection 4 of the act.

Mr. NEILL: Yes. Subsection 5 needs a few words to define what is meant by a summer home.

The CHAIRMAN: My fear is that we might open up a discussion on the whole question of mariners, which is a very complicated question.

Mr. BOTHWELL: Mr. Neill stated that formerly these men were entitled to vote, but this clause cut them out.

Mr. NEILL: Yes, it disfranchised thousands.

Mr. HANSON: Did we not discuss that when we were discussing the clauses referring to clergymen, teachers and students?

The CHAIRMAN: Yes, Mr. Bancroft was the author of that. What are we going to do with that?

Mr. ST. PÈRE: We have looked after the blind, and why should we not look after these other people?

The CHAIRMAN: Is it the wish of the Committee that an amendment should be provided along the line suggested by Mr. Neill?

Mr. BOTHWELL: There was no objection last year to the classes of voters who took part in previous elections, and it was the wish of the Committee to extend the vote to as many people as we could. We were not able to agree upon provisions as to mariners. But if the effect last year was to cut out some thousands of people from the exercise of their franchise, we should rectify it.

Mr. LADNER: If it does disfranchise these people, it seems to me that in all fairness the Act should be reframed in accordance with the instructions.

Mr. BANCROFT: If a slight definition would fix it up, I would not object to it, but I would be afraid to open everything up wide, so that people wherever they might be for the summer would be able to vote at their summer homes. I speak of this because of the constituency which I represent, which has perhaps 10,000 summer people.

The CHAIRMAN: It was to correct that very thing that this amendment was drafted last year.

Mr. NEILL: I think Mr. Biggar might define a summer home, so as not to apply to a worker there.

Mr. RYCKMAN: If there is a difficulty here which a little time and care would remedy, I am for it. At the same time I think the mariners should be cared for. I think if we attend to one we should attend to the other.

Mr. HANSON: In principle why should there be any difference between a fisherman who leaves his ordinary residence and goes fishing, and a millionaire who takes his servants to St. Andrews and keeps them there all summer?

Mr. TOTZKE: Mr. Telford described the situation and wanted the mariner to vote by proxy in some way and send his vote back to his constituency. These mariners are living not in established homes but in temporary homes, and they want to vote where they spend their summers.

Mr. HANSON: On principle, why should not the voters go back to their homes?

Mr. TOTZKE: They are living during that period of the year in some other constituency, and if they want to vote where their headquarters are during the summer months, I would favour that.

The CHAIRMAN: Is it the wish of the committee that we endeavour to draft something along those lines, or that the matter should be one not to be dealt with this year?

Mr. HANSON: I am afraid that if you open it up you will have a dozen other things coming up.

Mr. BLACK: I think the summer resident should vote where he lives during the summer.

The CHAIRMAN: We tried to get away from that last year.

Mr. BOTHWELL: It seems to me that could be easily rectified by saying that a man who spends the summer months at his usual vocation should be entitled to vote there, and that it would not interfere with the summer resident on a vacation.

Mr. LADNER: If he does not belong to one of the special classes, he would come under section 29A, subsection 5.

Mr. HANSON: Yes, I think that would be covered. Subsection 3 provides that:

> For the purpose of a general election, every person shall be deemed to continue until polling day to reside in the electoral district in which he was resident at the date of the issue of the writs of election, and no actual change of residence during this intervening period shall deprive him of his right to vote in such electoral district or entitle him to vote in any other electoral district, unless he is one of the persons described in the next following subsection and exercises his rights thereunder, in which event he shall not be entitled to vote in the electoral district in which he was resident at the date of the issue of the writs of election.

Mr. BOTHWELL: On page 57 of this book of Election Instructions, it provides as follows:—

> A person may in general be said to be resident at the place where he sleeps, but this may not be so if there is some other place which is his real place of residence or home, for instance, an establishment which he permanently maintains as his headquarters or at which he ordinarily lives with his wife or children, or in the case of a young man or woman, with a parent.

For instance, a person whose wife and family lives at his home at Victoria or Vancouver, as his ordinary residence, could not vote up at Skeena, although he worked at Skeena.

The CHAIRMAN: I am still awaiting the decision of the Committee as to what they propose to do with this suggestion. I had better probably put it to a vote.

Mr. BOTHWELL: That might be referred to Colonel Biggar to see if some minor change could be made in that section.

The CHAIRMAN: I do not think the fear is that the change cannot be made. I think the fear is that we are opening the field to too wide a discussion if we do it. I do not think there will be any difficulty in meeting Mr. Neill's wishes if the Committee thinks that we should.

Mr. ST. PÈRE: The field is pretty well defined now. We are speaking about labourers.

Mr. KENNEDY: It seems to me that the title at the side, "Summer residents," clearly applies to people who have a house in town and a summer cottage somewhere else, and if it is possible to put a few words in there to clear up the cases that Mr. Neill has referred to I think it ought to be done.

Mr. HANSON: What about the case of servants?

Hon. Mr. RYCKMAN: They have to go there.

Mr. KELLNER: Subsection 5 of 29 (*a*) would not shut them out.

Mr. HANSON: They have quarters back home. It does shut them out. Take the case of Montreal summer residents, a chauffeur has quarters back home, and likely he has a wife and family back home.

Mr. LADNER: Most summer residents can get back to vote.

Mr. HANSON: The majority of them; the heads of families can get back home.

The CHAIRMAN: Well, shall I put it to a vote?

Mr. HANSON: What are you voting on?

The CHAIRMAN: All those in favour of the proposed amendment along the line suggested by Mr. Neill—

Mr. BOYS: Could you just, in a few words, tell me what it is? I have just come from another Committee.

The CHAIRMAN: I will ask Mr. Neill to state his point again.

Mr. NEILL: It is simply this, Mr. Boys, that under last year's amendment, which we did not study sufficiently, as an election was not on, we arranged to prevent what we call "summer homers" voting in the district to which they had gone, which is quite all right and quite acceptable, but the wording of the Act reads so that it will apply to a whole lot of workers. I gave an illustration of a man living in Vancouver, a married man, with a home there. He goes to work in fish camps or logging camps, and he will be prohibited because it reads:—

> No person shall be deemed to be resident at the said date in quarters or premises which, notwithstanding that they may be sometimes or ordinarily occupied during some or all the months of May to October, inclusive, ordinarily remain unoccupied during some or all the months of November to April, inclusive.

It will entirely cut out thousands of people in Quebec, New Brunswick and British Columbia. The reference says "summer homers," but it is not in the Act, and it is the Act that governs, and all I ask is that Colonel Biggar define more clearly a summer homer and summer workers.

The CHAIRMAN: The whole question is whether it is opportune or not to deal with this matter at this stage, and I should like an expression of opinion from the Committee as to whether or not it desires Colonel Biggar to draft any such amendment.

All those in favour of putting this up to Colonel Biggar will please say "Aye."

Agreed to.

The CHAIRMAN: There is one more amendment:—

> 5b. The governor in council may retain the services of Oliver Mowat Biggar, one of His Majesty's counsel, to act as counsel to the Chief Electoral Officer in reference to any matter relating to a general election following the dissolution of the present parliament at any time before the 1st day of July, 1930, and may pay for the services of such counsel such remuneration as may be agreed upon.

That is simply an amendment providing that Colonel Biggar be retained as counsel to the Chief Electoral Officer, in order to deal with any legal questions.

Mr. BLACK (*Yukon*): Why not give the government a free hand to retain whatever counsel they choose? Colonel Biggar is all right.

The CHAIRMAN: We might have to add to that the contingency that if he were to die, or be unable to act, we could appeal to a judge of the Supreme Court. It would be necessary to have an amendment. I think it would give greater confidence if Colonel Biggar's name were inserted in this. He is the best man in Canada for this job.

Mr. BOYS: We might have a clause in there that if he is unable to act the government could appoint some other suitable person.

Mr. RYCKMAN: In draftsmanship in any revised statute of Canada I should be surprised to see the name of any particular person inserted.

Mr. HANSON: Everybody has confidence in Colonel Biggar's fairness. It is only for a particular case. It is not a general piece of legislation.

Mr. BOTHWELL: That is up to the 30th July, 1930?

The CHAIRMAN: Any general election which begins before the 1st July, 1930. It is only for the purposes of this job.

Amendment agreed to.

The CHAIRMAN: If there is any objection to his being named specifically it might be changed, but I think personally he should be named.

Mr. BOTHWELL: I have no objection to Colonel Biggar. I think he is the proper man, but I agree with Mr. Ryckman.

Mr. KENNEDY: To be retained in connection with everything?

The CHAIRMAN: Yes, in connection with matters arising out of this general election.

Mr. KELLNER: Would that be included in the Act, anyway?

The CHAIRMAN: To be included in this Act that we propose to amend now.

Mr. BOYS: Why cannot you say, "the former Chief Electoral Officer"?

The CHAIRMAN: That is not much better. We can say counsel, if there is any real objection.

Mr. HANSON: I think that is better.

The committee adjourned to resume at 4 p.m.

AFTERNOON SESSION

The committee resumed at 4 o'clock.

The CHAIRMAN: I do not want to delay the committee at all, but I have a letter here from an association of women in Quebec, who write me in French, the translation of which is:

> It is desirable in the national interest, now that women are entitled to vote, that they should exercise this right to the best of their knowledge; and that every woman understand this is a duty she has to perform.
>
> We are convinced that the exercise of this new duty would be greatly facilitated if there were separate polls for women, at least in the cities, where they would be received by women returning officers and scrutineers.
>
> Kindly consider, sir, that our request has no other object than to secure for us in public life the order in procedure which is, in a general way, our characteristic.
>
> We therefore very respectfully submit this proposition to you, in the hope that you will take it into serious consideration when revising the electoral law.

What is the opinion of the Committee as to what we should do with this?

Mr. CAHAN: Consider it again this day three months.

The CHAIRMAN: It is signed by the General President of the Conservative Women of Quebec, and the Secretary-Treasurer. Am I to take it that we are not to consider this? Will I put this to a vote at once?

Mr. CAHAN: Mr. Chairman, I would say that in the constituency I represent, and where I serve, there is no difficulty with women voting with men, and I have never yet heard any objection to women going to the same poll where men go to vote, in fact, in all my election committees the men and women sit together and work together.

The CHAIRMAN: To show what kind of a good sport I am, Mr. Cahan, I will agree with you. I will take the chance in refusing it too.

The next thing is the adjourned discussion of this morning on the principle as to whether or not there shall be two enumerators in each polling subdivision in urban constituencies. Is the Committee sufficiently informed to arrive at a decision?

Carried.

Mr. GIROUARD: Do I understand that the principle is adopted?

The CHAIRMAN: The principle is adopted.

Mr. GIROUARD: On division.

The CHAIRMAN: On division, yes.

Mr. RYCKMAN: Mr. Chairman, would this be a reasonable suggestion? I do not want it entertained unless everyone supports it. Why could not this subcommittee that has been acting produce the appropriate language for the statute, that is, the Solicitor General, Mr. Kellner and Mr. Boys along with yourself, Mr. Chairman. I really think that we can leave it to you, if you agree. That is my view. If you cannot agree, then, of course, we would have to meet.

The CHAIRMAN: Is it the wish of the Committee that the drafting of this amendment be left to the subcommittee consisting of the Solicitor General, Mr. Kellner and Mr. Boys?

Mr. RYCKMAN: And the Chairman.

The CHAIRMAN: The Chairman is not particularly keen to act, in view of his previous experience, on a drafting committee.

Mr. RYCKMAN: I think you should undertake it, and if you disagree the Committee can meet again.

Mr. CAHAN: I second that motion, Mr. Chairman. If there is a disagreement the Chairman will call the Committee to decide.

The CHAIRMAN: If that is agreed upon then we do not meet again; after that report is completed it will be the report of the Committee and will be submitted to the house as such for concurrence.

Mr. KELLNER: That is putting it pretty broad.

Mr. RYCKMAN: Let me put this case to you: suppose these four gentlemen agree and come before this Committee, do you mean to say that there would be a majority in this Committee who would say that the four gentlemen are wrong?

Mr. KELLNER: I think we should have a report covering all of the meetings during the session.

The CHAIRMAN: There is only one thing for us to report, and that is the result, and this will be the result.

Motion agreed to.

Mr. HANSON: The question has arisen in the minds of some of our members as to this Monday election. I certainly do not remember agreeing to Monday. I must have been away when that was agreed to.

The CHAIRMAN: We discussed it, and you were bitterly opposed to it.

Mr. HANSON: Monday, it seems to me, is a terrible day on which to hold an election.

Hon. Mr. CANNON: I understand, Colonel Biggar, that the whole basis of your amendments is on that, that the election is to be held on a Monday.

Colonel BIGGAR: Yes.

The CHAIRMAN: And we fixed Saturday as the half day for the advance polls.

Colonel BIGGAR: Yes, it is expressed in the Act.

Mr. CAHAN: As I remember it, the whole scheme was worked out on the basis of Monday.

Mr. LADNER: It does not seem practicable at this stage to deal with it and rearrange it again.

Hon. Mr. CANNON: I think at this stage we cannot very well change it.

The CHAIRMAN: The matter was taken up in the House and, as I remember, Mr. Jacobs had serious objections, that certain Mondays were religious holidays. Is there any other matter that should be taken up by this subcommittee?

Mr. BOYS: What about the draft that Colonel Biggar was to have ready for us this afternoon?

Hon. Mr. CANNON: I think that the members of the sub-committee agreed to the principle that for the forthcoming election the advice and services of Colonel Biggar should be obtained.

Mr. RYCKMAN: But there was some objection to putting into the Act, which will be in the Revised Statutes of Canada, the name.

Hon. Mr. CANNON: I understand that the Department of Justice last year gave an opinion to the effect that under the Act, as it is now, it would be doubtful whether Mr. Castonguay could retain counsel, so that it is very important that we make it very plain.

Mr. RYCKMAN: That was unanimous in the committee.

The CHAIRMAN: That is quite clear; the government by order in council, may retain counsel.

Mr. RYCKMAN: And that the counsel will be Mr. Biggar.

Hon. Mr. CANNON: Now, I have another suggestion to make. The Chief Electoral Officer is not entitled to any superannuation at present. It seems to me rather extraordinary that an official of that importance, for some reason or other, is not entitled to any superannuation. What about amending the Act to make it read that should he retire he would be entitled to the same pension as a county court judge or a judge of the Supreme Court? We have decided that he is entitled to a salary of $6,000, and we might add that he shall be entitled to a superannuation allowance on the same basis; that is, on the basis of his salary.

Mr. RYCKMAN: I think we would require to consider that.

Mr. CAHAN: His term of service would have something to do with it.

Hon. Mr. CANNON: Oh, yes. What I am putting before the members of the committee is that they decide on the principle of giving the Chief Electoral Officer a pension.

Mr. HANSON: Let us consider it between now and the next meeting.

Mr. LADNER: What about the proposals of Mr. Neill?

Mr. BOYS: I think the understanding was that you were going to ask Colonel Biggar to draft something for submission to the committee.

The CHAIRMAN: Is it understood that the sub-committee should propose in its report an amendment to the Act covering Mr. Neill's suggestions?

Mr. BANCROFT: If it can be done, Mr. Chairman, without opening it up too wide.

Mr. NEILL: No, Mr. Chairman. What was proposed this morning was that Colonel Biggar should draft a suitable amendment and I think it should be left to this committee whether that amendment should be put into the Act.

The CHAIRMAN: Is there anything else? The sub-committee can meet at once. If there is nothing else, am I to understand that this meeting adjourns sine die?

Mr. BOYS: There is one matter on which I have heard a good deal of criticism; that is with respect to polls. Let us take a concrete example, a town divided into four or six wards. In my own town the practice has been,

in ward one if the number of voters is sufficient for three polls, 300 to a poll, the enumerator, of course, would make a complete list of the voters for that particular ward. The ward, for voting purposes, is divided into three polls, A, B and C. A to G, the next from G to something else, and the next to Z. They are all held in the same building, and they have no trouble whatever. The voter comes in, never leaves the building, and if he makes a mistake he is told that his desk is over there, and he goes and votes. Now, I understand there has been an absolute effort to create separate and distinct polls.

The CHAIRMAN: Under the Act.

Mr. BOYS: It is going to lead to confusion and greater expense, and so on; so that if there is any way of trying to stick to what we have been used to, then I think it well to do so.

The CHAIRMAN: Of course, that is under the Act. One of the provisions of the Act is that we must have more or less permanent territorial polling divisions for the whole of Canada. That is one thing Colonel Biggar insisted on in his report, and it was on that basis that we framed the legislation with respect to enumerators. We said each enumerator should go out into that territory in which there were 250 to 300 persons and do his work. I now understand that in certain sections of the country the voting takes place and the polling subdivisions are arranged as Mr. Boys says. Now, the difficulty would be for the enumerator to go out and pick all the names from A to G, until he got his 250 names.

Mr. BOYS: He enumerates his whole ward and when the whole list is enumerated then it is simply divided A to G and so on.

The CHAIRMAN: If the ward had more than 300 names, what about it then?

Mr. BOYS: You do not understand, or you do not quite get me. Supposing there are 900 names in the ward, it is then divided into three; if there are 1,200 it is divided into four.

The CHAIRMAN: Treated territorially.

Mr. BOYS: The territorial division is the ward.

The CHAIRMAN: If there were 900 names in the ward?

Mr. BOYS: Then you would have three divisions, A, B and C, but all one ward.

The CHAIRMAN: The three divisions are divided by the enumerator when he goes to make his list.

Mr. BOYS: He enumerates it for the whole ward.

The CHAIRMAN: It is too big a job for one enumerator.

Mr. BOTHWELL: As I understand Mr. Boys' objection, they are having this in separate buildings in different parts of the ward.

Mr. BOYS: Not only that, but they have an absolutely distinct enumerator for a separate part of ward one, which is outlined by the east side or the west side of certain streets, instead of being for the whole of the ward, the divisions of which are recognized and well known locally. If there are four polls they are all in one building, and it certainly avoids confusion.

The CHAIRMAN: But, Mr. Boys, the objection that I am raising is in the preparation of the list. The Act specifies that the enumerator shall be appointed to take the names in a locality where there are approximately from 250 to 300 names. Am I right in making that statement, Colonel Biggar?

Mr. BOYS: I am quite familiar with the provisions which provide for a poll having only 300 names, but I do not quite understand the other.

Mr. CAHAN: In the city of Montreal our electoral divisions cut across the wards in all sorts of ways. It would have to be a provision that would apply specially to the conditions which prevail in Ontario.

Colonel BIGGAR: The provision is this, Mr. Chairman: Under section 28 of the Act, as amended at the last session, it first directs the area of the electoral district to be divided into polling divisions, each designed to contain as nearly as possible 300 electors, regard being had, however, to geographical and all other relevant considerations to the end that facilities may be provided, and so on. Then the second subsection reads:

> 2. Where, by reason of a practice locally established, or other special circumstance, it is more convenient to constitute a polling division including substantially more than three hundred electors and to divide the list of voters for such polling division alphabetically between adjacent polling stations, the returning officer may, with the approval of the Chief Electoral Officer and notwithstanding anything in the last preceding section, constitute a polling division including as nearly as possible some multiple of three hundred electors.

Mr. HANSON: So it is really optional with the returning officer, and that is exactly the arrangement our returning officer has made.

Colonel BIGGAR: It has been done, and must be done in certain localities. It is disadvantageous from some points of view. For example, it is going to be necessary in some polling divisions that are constituted under that subsection, and perhaps many of them, to lay out areas for the enumerators. For example, out in Victoria and Vancouver, they have about 50 polling stations for a certain polling division. Practically the whole constituency is in the one polling division. That means this—and you will see what trouble it is going to make—one enumerator or a pair of enumerators cannot possibly get over that area, I mean it is a physical impossibility. The returning officer has to cut up that area into little geographical areas, for each of which he appoints an enumerator or a pair of enumerators. Then all those enumerators have to get together with all their slips, all their records of names for this whole constituency, and attempt to make a dictionary of those names in alphabetical order. We are inevitably going to have trouble about that. Take a polling division, you appoint a pair of enumerators, or a single enumerator for a definitely limited geographical area for which there are a certain number of voters, and you know how long it will take to do that job. It is not so difficult with the class of men that you can get, and the enumerators will have no serious difficulty in arranging those names in alphabetical order. You cannot get away from that, or you are going to have trouble. It is perfectly true that it is more convenient for the individual voter on polling day. For example, in Victoria or Vancouver he goes to a drill hall in which there are fifty polling stations all around the hall. He goes to the one place, it is easy. It is advertised and everyone knows where it is. That is fine for the voter at the time, but it shoots the preparatory work into a muddle, really, and it will have to be worked, I am afraid, because you cannot overcome local prejudices in some places. It would be satisfactory if they could be overcome because in cities like Montreal and Toronto the habit has been to make quite small polling subdivisions, 250 names, 500 names sometimes, but for the ordinary voter single polling divisions are better and have not been found difficult, if you could get over the local prejudice. It is much more satisfactory to adopt that system. The whole organization is based upon that. However, you cannot do it in some cases, and in those cases one has to bow to local prejudice and do the best he can.

The CHAIRMAN: How do you expect the returning officer in Victoria or Vancouver to arrange the enumerators?

Colonel BIGGAR: The instructions as printed in the present book direct him to lay out geographical areas and appoint an enumerator for each area.

The CHAIRMAN: It is impossible to work the double enumerator system unless he does.

Mr. HANSON: I can see that that would be true, in the case you refer to, Colonel Biggar. But take the case of my own city, where there are between five thousand and fifty-one hundred names on the list. From time immemorial there have been two polls in that city, one for say 3,000 and the other for 2,000. One votes at the city hall and the other at the county court house. There has never been any trouble between the enumerators for the city. The enumerator has an up-to-date municipal list and he can have recourse to that and inevitably he will.

Mr. CAHAN: I hope not.

The CHAIRMAN: He has to go from house to house to check up on everybody. Do you expect an enumerator to go through 3,000 names in six days?

Mr. HANSON: He says he can.

Mr. BOYS: I appreciate, as Mr. Cahan says, that in a large city like Montreal, where you would have difficulties, it might be impossible.

The CHAIRMAN: It would be a matter of arrangement.

Mr. HANSON: In the city of Toronto, the city is divided for municipal purposes and also for election purposes into polling subdivisions along the line of our Act. For municipal elections, probably fifteen or twenty of those polling subdivisions in the vicinity of a certain public school will all poll their votes in that school; but each poll represents a polling subdivision only. That would not affect the enumeration. The enumeration could be complete with regard to the polling divisions, but the poll is simply held in those places. Could that not be adopted?

The CHAIRMAN: That is a matter of interpretation, and we cannot change the law. Section 18 covers it.

Hon. Mr. CANNON: Dr. Denis has a suggestion. Now that we have agreed on the system of double enumerators, Dr. Denis would like to know how you feel about notices being sent to the electors.

The CHAIRMAN: As to where they are going to vote. That is done in Montreal. I took that up with Colonel Biggar and found we would have to amend the Post Office Act in order to give the returning officers the right to frank those notices; or we would have to give the candidates a certain amount of money for stamps; or we would have to pay an amount of money to the returning officer for the purpose. The intimation to the elector that he votes at a certain polling place, which is situated on a certain street, is really only an excuse for the candidate telling the elector what he has done in parliament.

Mr. ST. PÈRE: If he wants his photograph on the card, he will pay for it.

Mr. ANDERSON: In Toronto there is a letter or card sent to every elector, for municipal purposes, and it is of great use.

The CHAIRMAN: And in Montreal.

Mr. ANDERSON: Personally I have used the same plan at the last election, for my own purposes.

Hon. Mr. CANNON: With good results.

The CHAIRMAN: We usually send out the notice, but generally we put literature along with it, to save stamps.

Hon. Mr. RINFRET: We generally put one in with our name in big type, and the rest in small type.

The CHAIRMAN: Does the Committee think we can deal with that at this time?

Mr. CAHAN: I follow the Chairman's practice and put my picture in.

Mr. KELLNER: I notice by the Edmonton papers that they have the same idea as Mr. Anderson has mentioned; and I think the Federal, Provincial and

Civic elections will be in the same poll. All you have to do is to put an advertisement in the paper, and the electors will soon get used to going there.

Mr. BOYS: I think we are doing a good deal for the city fellows and will save them a lot of expense. Each party should look after their own elections and there should be no change for this election.

Mr. ANDERSON: One point has been brought to my attention by the member for Hastings, under Section 102, 2a of the Act. Mr. Tummon has two railroad centres in his constituency, but they do not adjoin. One is in the village of Tweed, and the other is in Belleville. Between those two places there is an intervening municipality. If you read 2a of Section 102, you will see it is as follows:—

> 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.

These two places do not strictly adjoin. There are not enough in the small place for an advanced poll; and the suggestion he makes is that it should read "in an area within the same constituency."

The CHAIRMAN: "Or adjacent thereto."

Mr. BIGGAR: It is too late to add any new phases, as far as this election is concerned. The places have to be in the schedule, for, I think, 60 days.

Mr. ANDERSON: What about the interpretation of it?

Mr. CAHAN: Mr. Chairman, there is no objection to women being appointed returning officers or clerks?

The CHAIRMAN: None whatever. They are certainly "persons."

Once more, has the Committee definitely arrived at an agreement that if the subcommittee does arrive at an agreement, that agreement shall be carried into effect and be the report of this Committee to the House of Commons?

Hon. MEMBERS: Agreed.

Mr. ANDERSON: When does the subcommittee meet?

The CHAIRMAN: Right away.

The Committee then adjourned.

See page 391.

No. 56

VOTES AND PROCEEDINGS

OF THE

HOUSE OF COMMONS

OF CANADA

OTTAWA, FRIDAY, 23RD MAY, 1930

PRAYERS.

One Petition was laid on the Table.

Mr. Glen, for Mr. Parent, from the Select Standing Committee on Miscellaneous Private Bills, presented the Ninth Report of the said Committee, which is as follows:—

Your Committee recommend to the House that they be given leave to sit while the House is in session.

Mr. Speaker informed the House,—That the Clerk had laid on the Table the Thirty-eighth Report of the Examiner of Petitions for Private Bills, which was read as follows:—

Pursuant to Standing Order 99, Section 2, the Examiner of Petitions for Private Bills has the honour to present the following as his Thirty-eighth Report:—

Your Examiner has duly examined the following Petitions for Private Bills, and finds that all the requirements of the 95th Standing Order have been complied with in each case, viz:—

Of John Franklin Crandell, of Calgary, Alberta, and others; to incorporate The British Columbia Alberta Western Railway Company.

Of John Franklin Crandell, of Calgary, Alberta, and others; to incorporate The Hudson Bay Western Railway Company.

A Message was received from the Senate informing this House that the Senate had passed the following Bills to which the concurrence of this House was desired:—

Bill No. 301 (Letter P8 of the Senate), intituled: "An Act for the relief of Isadore Sabbath."—*Mr. Glen.*

Bill No. 302 (Letter Q8 of the Senate), intituled: "An Act for the relief of Gladys May Carter."—*Mr. Lawson.*

Bill No. 303 (Letter R8 of the Senate), intituled: "An Act for the relief of Dorothy Stansfield."—*Mr. Sanderson.*

Bill No. 304 (Letter S8 of the Senate), intituled: "An Act for the relief of George Washington Latta."—*Mr. Lawson.*

Bill No. 305 (Letter T8 of the Senate), intituled: "An Act for the relief of William Henry Wardell."—*Mr. Church.*

Also,—A Message communicating to this House the evidence, etc., taken before the Standing Committee of the Senate on Divorce, to whom were referred the petitions on which the said Divorce Bills were founded; and the papers produced in evidence before them, with a request that the same be returned to the Senate.

And also,—A Message informing this House that the Senate have passed the following Bills to which the concurrence of this House is desired:—

Bill No. 306 (Letter U4 of the Senate), intituled: "An Act to incorporate Industrial Loan and Finance Corporation."—*Mr. Casgrain.*

Bill No. 307 (Letter N8 of the Senate), intituled: "An Act to incorporate The British Columbia Alberta Western Railway Company."—*Mr. Goulet.*

Bill No. 308 (Letter O8 of the Senate), intituled: "An Act to incorporate The Hudson Bay Western Railway Company."—*Mr. Goulet.*

On motion of Mr. Glen, the said Divorce Bills above-mentioned were read a first and a second time, on division, and referred to the *Select Standing Committee on Miscellaneous Private Bills* (together with the evidence, etc., taken before the Standing Committee of the Senate on Divorce, on the petitions on which the above-mentioned Bills were founded), pursuant to the Special Order made 9th May, instant.

On motion of Mr. Glen, the Ninth Report of the Select Standing Committee on Miscellaneous Private Bills was concurred in.

On motion of Mr. Casgrain, the Bill No. 306 (Letter U4 of the Senate), intituled: "An Act to incorporate Industrial Loan and Finance Corporation," was read a first and a second time and referred to the *Select Standing Committee on Banking and Commerce,* pursuant to the Special Order made 9th May, instant.

On motion of Mr. Morin, it was ordered,—That the Select Standing Committee on Standing Orders be permitted to sit while the House is sitting.

Mr. McIntosh, seconded by Mr. Jenkins, moved,—That the recommendations contained in the Second Report of the Select Standing Committee on Industrial and International Relations be concurred in.

After Debate thereon, the question being put on the said motion; it was agreed to.

The House resolved itself again into Committee of Ways and Means.

And the House continuing in Committee;

At six o'clock, p.m., Mr. Speaker took the Chair.

By leave of the House, Mr. Speaker informed the House that a Message had been received from the Senate informing this House that the Senate had passed the Bill No. 139, An Act to incorporate The Hamilton Life Insurance Company, with an amendment, which is as follows:—

Page 1, lines 26 and 27.—Strike out the words " divided into forty thousand shares of the par value of twenty-five dollars each."

By leave of the House, Mr. McPhee, for Mr. Hay, from the Select Standing Committee on Banking and Commerce, presented the Eighth Report of the said Committee, which is as follows:—

Consideration has been given to a Resolution of the House of Commons dated March 5th, 1930, and referred to this Committee, viz:—

That, in the opinion of this House, consideration should be given to the setting up of a system of intermediate credits for agriculture.

Two sessions of the Committee were held, during which this reference was under discussion.

As directed in the Order of Reference, the Committee conducted a study of intermediate credits for agriculture, but owing to pressure of other work they have not been able to give it the attention so important a subject deserves.

Mr. C. S. Tompkins, the Inspector of Banks, was examined and requested to obtain sundry information.

It is recognized by the Committee that the basic industry of agriculture is handicapped for want of such credit facilities as are called for by the Resolution.

It is true that Short Term Loans are taken care of by the banking system, and those covering Long Terms more or less by the Long Term Loan Act, and mortgage companies; but that with the slow turnover of the farmers' business, the third type of credits as mentioned above is essential to his success.

Your Committee, therefore, recommend that the subject is of sufficient importance that the matter be given attention by the Department of Finance, and if possible, bring it to the attention of a future Parliament.

By leave of the House, Mr. McPhee, for Mr. Hay, from the Select Standing Committee on Banking and Commerce, presented the Ninth Report of the said Committee, which is as follows:—

Your Committee have considered the following Bills and have agreed to report them without amendment, viz:—

Bill No. 263 (Letter V4 of the Senate), An Act respecting the capital stock of Prudential Trust Company, Limited.

Bill No. 306 (Letter U4 of the Senate), An Act to incorporate Industrial Loan and Finance Corporation.

By leave of the House, Mr. Morin, from the Select Standing Committee on Standing Orders, presented the Third Report of the said Committee, which is as follows:—

Your Committee have considered the suspension of Standing Order 92 in connection with the divorce application of Marjorie Mary Gwendolyn Dempsey Davis. Mr. Crankshaw of Montreal, solicitor for the petitioner, appeared before your Committee and explained that owing to difficulties which occurred in securing positive evidence to present before the Divorce Committee the case could not be proceeded with until late in the session. The evidence in question being finally secured the case was proceeded with; petition to the Senate was filed on May 15th. This date being after the time for receiving petitions for Private Bills in the House of Commons it was thought advisable to await the result in the Senate before requesting a suspension of the Standing Order in relation thereto. The Senate having passed the Bill, your Committee recommend that Standing Order 92 be suspended in reference to the above named application, and that the petition be now read and received.

On motion of Mr. Morin, the said Report was concurred in.

Mr. Speaker then left the Chair to resume the same at eight o'clock, p.m.

8 P.M.

(The Order for Private and Public Bills was called under Standing Order 15)

(Private Bills)

The following Bills were read the third time and passed, on division, viz:—

Bill No. 202 (Letter W4 of the Senate), intituled: "An Act for the relief of Mary Ada St. George."

Bill No. 203 (Letter X4 of the Senate), intituled: "An Act for the relief of Sam Finkelstein."

Bill No. 204 (Letter Y4 of the Senate), intituled: "An Act for the relief of Martha Barker."

Bill No. 205 (Letter Z4 of the Senate), intituled: "An Act for the relief of Janet Ella Pettigrew Thomson."

Bill No. 206 (Letter A5 of the Senate), intituled: "An Act for the relief of Margaret Jean McClelland Dewar."

Bill No. 207 (Letter B5 of the Senate), intituled: "An Act for the relief of Ada Margaret Ruddick."

Bill No. 208 (Letter C5 of the Senate), intituled: "An Act for the relief of Wilhelmina Emily Rudolph."

Bill No. 209 (Letter D5 of the Senate), intituled: "An Act for the relief of Mabel Orion Baldwin."

Bill No. 210 (Letter E5 of the Senate), intituled: "An Act for the relief of Antoine George Massabky."

Bill No. 211 (Letter F5 of the Senate), intituled: "An Act for the relief of Dorothy Agnes Dowling."

Bill No. 212 (Letter G5 of the Senate), intituled: "An Act for the relief of Arthur Leslie Catton."

Bill No. 213 (Letter H5 of the Senate), intituled: "An Act for the relief of Ruth Lyford Smith."

Bill No. 214 (Letter I5 of the Senate), intituled: "An Act for the relief of Rhona Elizabeth Shaw Richardson."

Bill No. 215 (Letter J5 of the Senate), intituled: "An Act for the relief of Richard Trawny Parsons."

Bill No. 216 (Letter K5 of the Senate), intituled: "An Act for the relief of Armand Dufour."

Bill No. 217 (Letter L5 of the Senate), intituled: "An Act for the relief of Jessie Lillian Gwen Richmond-Parry."

Bill No. 218 (Letter M5 of the Senate), intituled: "An Act for the relief of Christina Dale Kingsbury."

Bill No. 219 (Letter N5 of the Senate), intituled: "An Act for the relief of Gladys Hollings."

Bill No. 220 (Letter O5 of the Senate), intituled: "An Act for the relief of Nellie Louise Hughes."

Bill No. 221 (Letter P5 of the Senate), intituled: "An Act for the relief of Minnie Roberts."

Bill No. 222 (Letter Q5 of the Senate), intituled: "An Act for the relief of Isabella Glennie Lefever."

Bill No. 223 (Letter R5 of the Senate), intituled: "An Act for the relief of Aileen Somerville Thomas."

Bill No. 224 (Letter S5 of the Senate), intituled: "An Act for the relief of Harris Charlton Eckmiere."

Bill No. 225 (Letter T5 of the Senate), intituled: "An Act for the relief of Rhea Blanche Wilson."

Bill No. 226 (Letter U5 of the Senate), intituled: "An Act for the relief of Edna Wall."

Bill No. 227 (Letter V5 of the Senate), intituled: "An Act for the relief of Thomas Edwin Warburton."

Bill No. 228 (Letter W5 of the Senate), intituled: "An Act for the relief of Thomas Garfield McCormick."

Bill No. 229 (Letter X5 of the Senate), intituled: "An Act for the relief of Thomas Richardson."

Bill No. 230 (Letter Y5 of the Senate), intituled: "An Act for the relief of Leslie Gregory."

Bill No. 231 (Letter Z5 of the Senate), intituled: "An Act for the relief of Muriel Laburnum Christie."

Bill No. 232 (Letter A6 of the Senate), intituled: "An Act for the relief of Edith Matilda Epplett."

Bill No. 233 (Letter B6 of the Senate), intituled: "An Act for the relief of Ruth Victoria Spooner."

Bill No. 234 (Letter C6 of the Senate), intituled: "An Act for the relief of John Henry Coulter."

Bill No. 235 (Letter D6 of the Senate), intituled: "An Act for the relief of Gertrude Anne Williams."

Bill No. 236 (Letter E6 of the Senate), intituled: "An Act for the relief of Leonard George Edward Bond."

Bill No. 237 (Letter F6 of the Senate), intituled: "An Act for the relief of Grant Johnston."

Bill No. 238 (Letter G6 of the Senate), intituled: "An Act for the relief of Burton Orland Boomhower."

Bill No. 239 (Letter I6 of the Senate), intituled: "An Act for the relief of Augusto Tranzzi."

Bill No. 240 (Letter J6 of the Senate), intituled: "An Act for the relief of Claire Yale Lacourse."

Bill No. 241 (Letter K6 of the Senate), intituled: "An Act for the relief of Marion Frances Blewett."

Bill No. 243 (Letter M6 of the Senate), intituled: "An Act for the relief of Florence Edna Curliss."

Bill No. 245 (Letter N6 of the Senate), intituled: "An Act for the relief of Hilda Walker Baker."

Bill No. 246 (Letter O6 of the Senate), intituled: "An Act for the relief of Mary Violet Baxter."

Bill No. 247 (Letter P6 of the Senate), intituled: "An Act for the relief of Harry Hutcherson Davis."

Bill No. 248 (Letter Q6 of the Senate), intituled: "An Act for the relief of James Lewis Watterworth."

Bill No. 249 (Letter R6 of the Senate), intituled: "An Act for the relief of Harvey Mennie Cross."

Bill No. 250 (Letter S6 of the Senate), intituled: "An Act for the relief of Muriel Parke Wood."

Bill No. 251 (Letter T6 of the Senate), intituled: "An Act for the relief of Albert Hull."

Bill No. 252 (Letter U6 of the Senate), intituled: "An Act for the relief of Jessie Coles."

Bill No. 253 (Letter V6 of the Senate), intituled: "An Act for the relief of Annie Almeda McCormick."

Bill No. 254 (Letter W6 of the Senate), intituled: "An Act for the relief of Madeline Schnarr Nichol."

Bill No. 255 (Letter X6 of the Senate), intituled: "An Act for the relief of Phyllis Gertrude Smith."

Bill No. 256 (Letter Y6 of the Senate), intituled: "An Act for the relief of Josephine Laura Calder."

Bill No. 257 (Letter Z6 of the Senate), intituled: "An Act for the relief of Minerva Gray."

Bill No. 258 (Letter A7 of the Senate), intituled: "An Act for the relief of Mary Jane McCrossan."

Bill No. 259 (Letter B7 of the Senate), intituled: "An Act for the relief of Robert Bruce Hart."

Bill No. 260 (Letter C7 of the Senate), intituled: "An Act for the relief of Hetmanska Bereta."

Bill No. 261 (Letter D7 of the Senate), intituled: "An Act for the relief of Lillian Alberta Sparling."

Bill No. 262 (Letter E7 of the Senate), intituled: "An Act for the relief of Ebenezer Ward Bussell."

By leave of the House, on motion of Mr. Casgrain, it was ordered,—That the following Bills be placed on the Order Paper for consideration in Committee of the Whole, this day, viz:—

Bill No. 263 (Letter V4 of the Senate), intituled: "An Act respecting the capital stock of Prudential Trust Company Limited."

Bill No. 306 (Letter U4 of the Senate), intituled: "An Act to incorporate Industrial Loan and Finance Corporation."

Mr. White (Mount Royal) moved, That Mr. Speaker do now leave the Chair for the House to go into Committee of the Whole on Private Bills (pursuant to Standing Order 110); which was agreed to.

The following Bills were severally considered in Committee of the Whole, reported without amendment, read the third time and passed, Divorce Bills on division, viz:—

Bill No. 266 (Letter F7 of the Senate), intituled: "An Act for the relief of Schuyler James Alton."

Bill No. 267 (Letter G7 of the Senate), intituled: "An Act for the relief of Mary Eva May Gourley."

Bill No. 268 (Letter H7 of the Senate), intituled: "An Act for the relief of John William James."

Bill No. 269 (Letter I7 of the Senate), intituled: "An Act for the relief of Elsie Aileen Clarke."

Bill No. 270 (Letter J7 of the Senate), intituled: "An Act for the relief of Orwell Bishop Walton."

Bill No. 271 (Letter K7 of the Senate), intituled: "An Act for the relief of Rosie Resnick."

Bill No. 272 (Letter L7 of the Senate), intituled: "An Act for the relief of Jessie Grant."

Bill No. 273 (Letter M7 of the Senate), intituled: "An Act for the relief of Ruby Helen Gordon."

Bill No. 274 (Letter N7 of the Senate), intituled: "An Act for the relief of Mary Isabelle Batstone."

Bill No. 275 (Letter O7 of the Senate), intituled: "An Act for the relief of Hanorah Margaret Phililemonia Atkinson."

Bill No. 276 (Letter P7 of the Senate), intituled: "An Act for the relief of Margaret Ann Fyfe."

Bill No. 277 (Letter Q7 of the Senate), intituled: "An Act for the relief of Frederick John Wolfe."

Bill No. 278 (Letter R7 of the Senate), intituled: "An Act for the relief of Elsie Roselan Maguire."

Bill No. 279 (Letter S7 of the Senate), intituled: "An Act for the relief of Alice Reta Leadbeatter."

Bill No. 280 (Letter T7 of the Senate), intituled: "An Act for the relief of Gladys Evelyn Sanford."

Bill No. 281 (Letter U7 of the Senate), intituled: "An Act for the relief of Ethel May Henderson."

Bill No. 282 (Letter V7 of the Senate), intituled: "An Act for the relief of Fred Townsley."

Bill No. 283 (Letter W7 of the Senate), intituled: "An Act for the relief of Arthur Worrell Perkins."

Bill No. 285 (Letter Y7 of the Senate), intituled: "An Act for the relief of Walter Anderson Wood."

Bill No. 287 (Letter A8 of the Senate), intituled: "An Act for the relief of Clara Delilah Latchford."

Bill No. 289 (Letter C8 of the Senate), intituled: "An Act for the relief of Cora Beatrice Silk."

Bill No. 290 (Letter D8 of the Senate), intituled: "An Act for the relief of Joseph Alphonse Lajoie."

Bill No. 291 (Letter E8 of the Senate), intituled: "An Act for the relief of Gertrude Alice Dorothy Lorimer."

Bill No. 292 (Letter F8 of the Senate), intituled: "An Act for the relief of Margaret Bradley."

Bill No. 293 (Letter G8 of the Senate), intituled: "An Act for the relief of Marion Ramsay."

Bill No. 294 (Letter H8 of the Senate), intituled: "An Act for the relief of Nettie Maud Dixon."

Bill No. 295 (Letter I8 of the Senate), intituled: "An Act for the relief of Hazel Victoria Watt-Hewson."

Bill No. 296 (Letter J8 of the Senate), intituled: "An Act for the relief of Hubert Allan Frise."

Bill No. 298 (Letter L8 of the Senate), intituled: "An Act for the relief of Gladys Elizabeth Kirby."

Bill No. 299 (Letter M8 of the Senate), intituled: "An Act for the relief of Henry Maynard Smillie."

Bill No. 306 (Letter U4 of the Senate), intituled: "An Act to incorporate Industrial Loan and Finance Corporation."

On motion of Mr. Steedsman, it was ordered, That a Message be sent to the Senate to return to that House the evidence, etc., taken before the Standing Committee of the Senate on Divorce, to whom were referred the Petitions on which the above-mentioned Divorce Bills were founded; and also the evidence, etc., in respect to the two following Bills, viz:—

Bill No. 108 (Letter Z1 of the Senate), intituled: "An Act for the relief of Charles Ernest Aimé Holmes.

Bill No. 242 (Letter L6 of the Senate), intituled: "An Act for the relief of Hartley Franklin Upper."

The amendments made by the Senate to the following Bills were taken into consideration and respectively agreed to, viz:—

Bill No. 50, An Act respecting a certain patent application of Thomas Bernard Bourke and George Percival Setter.

Bill No. 51, An Act respecting a certain patent application of Harry Barrington Bonney.

(Public Bills)

The Order being read for House in Committee on Bill No. 39, An Act respecting Government Contracts;

The said Order was discharged and the Bill withdrawn.

The Order for Private and Public Bills having been disposed of;

The House resumed in Committee of Ways and Means, and further progress having been made and reported, the Committee obtained leave to sit again at the next sitting of the House.

And it being eleven o'clock, p.m.;

By leave of the House, Mr. Power, from the Special Committee on Pensions and Returned Soldiers' Problems, presented the following as its Seventh Report:—

Your Committee, in the course of its inquiry into the various matters relating to soldiers' problems, resolved to institute a thorough investigation upon the complex problem of the soldier settler on land. A sub-Committee composed of Mr. Speakman as Chairman and of certain members of your Committee with whom were associated two members of the House for deliberative purposes was appointed by resolution. Valued assistance was given by the two members. The sub-Committee submitted its findings in the form of a report containing recommendations which your Committee has considered at its regular sitting. The said report and recommendations were unanimously agreed to. The sub-Committee's proceedings and the evidence taken by them will be found in Nos. 15 and 16 of the Committee's Proceedings which have already been distributed for the information of the House. Hereunder follows the sub-Committee's report, which is also submitted to the House to be considered and concurred in.

Report of Sub-Committee on Soldier Land Settlement

Your sub-Committee, to whom was entrusted the task of investigating and reporting upon the conditions of our soldier settlers, and the problems with which they are faced, together with the duty of suggesting such legislative amendments as might solve these problems, beg leave to report as follows:—

A considerable number of meetings have been held, and we have had with us such witnesses, representatives of the soldier bodies, and members of the Soldier Settlement Board, as might assist in the performance of this difficult and important task. We have also considered the reports of the Committee of the Legion which had carefully investigated this matter, and the suggestions therein contained, and have had full access to all the information in the possession of the Soldier Settlement Board.

As a result of our enquiries and discussions we are of the opinion that a large number of the soldier settlers who are still upon the land cannot hope to succeed unless their burden of indebtedness is reduced in a substantial manner. It is not our purpose at this time to enlarge upon the present position of the soldier settler, the details of which will be found in the printed evidence, but rather to present the conclusions to which we have arrived as to the legislative action we believe to be wise and necessary, and which are as follows:—

(1) That the time limit within which any soldier settler who has not already appealed and who is dissatisfied with his award on revaluation may lodge an appeal before the Exchequer Court, be revived and extended to January 1, 1931.

(2) That no contract as between a soldier settler and the Soldier Settlement Board as to which a dispute may arise, shall be rescinded, save by order of a District or County Judge, before whom both parties may appear after due notice has been given.

(3) That we approve, and recommend the continuance of, the practice of advancing small loans for breaking land to settlers upon brush farms who have cleared a reasonable acreage of such land.

(4) That the total outstanding indebtedness of all soldier settlers who are still in active occupancy of their farms should be reduced by the amount of 30% (thirty per cent), to take effect upon the last Standard Day, 1929, or, in the case of settlers whose applications for revaluation have not yet been finally dealt with, immediately after the final award has been given. Provided that in no case the amount of reduction granted shall exceed the total of the debt still owing by the settler to the Board.

(5) That all live stock liens held by the Board shall be released, the said live stock to become the absolute property of the settler.

In addition to the problem of the soldier settler proper, we have had under advisement memoranda received from the employees of the Soldier Settlement Board, in which they ask to be placed under the jurisdiction of the Civil Service Commission as permanent employees. Your sub-Committee quite recognize the difficulties of their position, but must also recognize the further fact that the number of these employees may be materially reduced in the near future, owing to the transfer to the Western Provinces of their Natural Resources, and the cessation of many of our colonization activities. We can only suggest, therefore, that the position of these men, most of whom have seen active service, and who have given faithful service while engaged in this work for many years, should be carefully and sympathetically considered by the Government, in the light of the situation which may develop.

Your Committee also recommends that there be printed 2,500 copies in English and 300 copies in French of this report and that they be distributed in the same manner as its day-to-day proceedings. It further recommends that this report be printed as an appendix to the Journals of the House, and in separate blue-book form, 500 copies in the latter form to be printed in English and 200 copies in French, and that Standing Order 64 in relation thereto be suspended.

(For Minutes of Evidence, etc., accompanying said Report, see Appendix to the Journals, No. 4)

By leave of the House, Mr. Power, from the Special Committee appointed to consider the Dominion Elections Act and the Corrupt Practices Inquiries Act, presented the following as their Third Report:—

The Committee has confined its discussions to amendments of the Dominion Elections Act which it considers should be brought into force forthwith, and has not, in the circumstances, dealt with those of the amendments proposed last year which could not, without undue administrative difficulty, be brought into force at once or are not of immediate practical importance. Its recommendations have been unanimously agreed to in the form of the statute appended.

The chief change proposed relates to the appointment in urban areas of two enumerators to each polling division instead of only one, provision being made that one of each pair of enumerators shall represent one of the two principal opposed political interests in the electoral district. Provision is also proposed to be made for the holding of such bye-elections as follow a general

election within six months upon the same lists as those prepared for the general election; for the marking of the ballot of a blind person by a friend whom he brings with him to the polling station; for defining further the provision adopted last year with respect to summer residents; and for the appointment of a legal adviser to the Chief Electoral Officer for the purpose of the next general election.

With respect to the appointment of enumerators, special provision is made to cover the case of the present Parliament being dissolved within one month from assent to the proposed Act, since, if this Parliament were so soon dissolved, the proposed permanent provisions on this subject could not be brought into operation, and no provision which could be applied to a general election following such an early dissolution would be permanently satisfactory.

BILL No.

AN ACT TO AMEND THE DOMINION ELECTIONS ACT

1. Subsection five of section twenty-nine A of the said Act is repealed and the following substituted therefor:

(5) No person shall, for the purpose of this Act, be deemed to be resident at the date of the issue of the writ in quarters or premises which are ordinarily occupied only during some or all of the months of May to October inclusive and ordinarily remain unoccupied during some or all of the months of November to April inclusive, unless

(*a*) he is occupying such quarters in the course of and in the pursuit of his ordinary gainful occupation, or

(*b*) he has no quarters in any other electoral district to which, at the date of the issue of the writ, he might at will remove.

2. Rules one to five inclusive, of Schedule A to Section thirty-two of the said Act, as amended by section fourteen of chapter forty of the statutes of 1929, are repealed and the following rules substituted therefor:—

Rule (1) Forthwith after the receipt by him of notice from the Chief Electoral Officer that a writ of election has been issued for his electoral district, the returning officer shall appoint in writing in form No. 4A in Schedule One to this Act, two persons in each polling division or part thereof to enumerate the voters therein, and shall require each of such persons to take an oath in Form No. 4B in said schedule that he will act faithfully in the capacity of enumerator without partiality, fear, favour or affection and in every respect according to law.

Rule (1A) At least ten days before he proposes to select the persons who are to act as enumerators as aforesaid, the returning officer shall give notice accordingly to the candidate or the representative of the candidate who, at the next preceding election in the electoral district, received the highest number of votes, and also to the candidate or the representative of the candidate at such election representing a different and opposed political interest, who received the next highest number of votes, and, except as hereinafter provided, shall, if any such candidate within the ten days aforesaid recommends an enumerator for appointment on his behalf in any polling division or part of any polling division, select for appointment, and in due course appoint, the person so recommended.

Rule (1B) If in the opinion of the returning officer there is good cause for his refusing to select or appoint any enumerator recommended as aforesaid, he shall give notice accordingly to the person by whom the recommendation was made, and unless a substitute recommendation is made within forty-eight hours

after such notice, the returning officer may, subject as hereinafter provided, select, and in due course nominate, such substitute for the person recommended as he sees fit.

Rule (1C) If at the next preceding election, there was opposed to the candidate who received the highest number of votes, no candidate representing a different and opposed political interest, or if either of the persons notified as aforesaid fails to make a recommendation for any polling division or any part of any polling division for which enumerators are to be appointed, the returning officer shall so select the enumerators, that, so far as possible, each pair of enumerators represents two different and opposed political interests.

Rule (2) Each pair of enumerators shall forthwith, after taking their oaths as such, proceed jointly to ascertain the names, addresses and occupations of every person qualified to vote in the polling division or part thereof for which they have been appointed, obtaining the information they may require by a joint house-to-house visitation and from such other sources as may be available to them, and leaving at the residence of every voter who appears to be qualified, a memorandum in Form No. 13 in Schedule One to this Act, indicating that such voter will be included in the list to be prepared by them.

Rule (2A) When both enumerators are in agreement as to the qualification of any voter, they shall both sign or initial the notice aforesaid, and when they are in disagreement, that one of the enumerators who considers the voter to be qualified shall initial or sign the notice and the other of them shall make a memorandum thereon indicating that he does not concur therein; every such signature or initial and memorandum shall appear on every contemporaneously made record of the name and address of the voter.

Rule (3) On a day to be fixed by the Chief Electoral Officer and notified by the returning officer to the enumerators, each pair of the latter shall, from the information then secured by them, prepare and certify in Form No 15 in Schedule One to this Act a complete list in exact alphabetical order of all the persons who are resident in the polling division or part thereof for which they have been appointed, and, in the opinion of either of them, are qualified to vote at the election, and shall also prepare and certify in like form at least four copies of such list.

Rule (4) In such list the enumerators shall, after the name of every female voter whose name appears therein, write the letter W in brackets thus (W), and the name of a married woman or widow shall be entered in such list in the alphabetical order determined by the first letter of the name of her husband or deceased husband, as the case may be.

Rule (5) Such list and the copies thereof, together with the original field or other notes upon which the same has been based, shall forthwith be delivered or transmitted by the enumerators to the returning officer, who shall thereupon deliver one copy of such list to the representative of each candidate or prospective candidate as hereinafter defined; the returning officer shall retain the original list in his office, where it shall be available for public inspection, and shall furnish one copy thereof to the registrars within whose registration district, as hereafter provided, the polling division lies.

3. Section thirty-three of the said Act is repealed and the following substituted therefor:—

33. When a writ of election in any electoral district is issued within six months after the day fixed for the poll at the next preceding general election under this Act in that electoral district, it shall not be necessary to prepare lists

of voters for such election as in the next preceding section provided, if there are on file in the Chief Electoral Officer's office copies of the lists of voters prepared for such preceding election, but it shall be the duty of the Chief Electoral Officer to forward to the returning officer as soon as possible after the issue of such writ of election at least twelve copies of the lists so on record for each polling division.

(2) Such lists shall be used at such election in the same way, in all respects, as if they had been prepared therefor; at least two sets thereof shall be furnished by the returning officer to each candidate formally nominated.

4. Subsection ten of section sixty-three of the said Act is repealed and the following substituted therefor:—

63. (10) The deputy returning officer on the application of any voter who is unable to read, or is incapacitated, from any physical cause other than blindness, from voting in the manner prescribed by this Act, shall require the voter making such application to make oath in Form No. 38 of his incapacity to vote without assistance, and shall thereafter assist such voter by marking his ballot paper in the manner directed by such voter in the presence of the sworn agents of the candidates or of the sworn electors representing the candidates in the polling station and of no other person, and place such ballot in the ballot box.

(10a) The deputy returning officer shall either deal with a blind voter in the same manner as with an illiterate or otherwise incapacitated voter, or, at the request of any blind voter who has taken the oath in Form No. 38, and is accompanied by a friend, shall permit such friend to accompany the blind voter into the voting compartment and mark the voter's ballot for him.

(10b) Any friend who is permitted to mark the ballot of a blind voter as aforesaid shall first be required to make an oath that he will keep secret the name or names of the candidate or candidates for whom the ballot of such blind voter is marked by him, and no person shall at any polling station be allowed to act as the friend of more than one blind voter.

5. Schedule three of the said Act is amended by including therein the name of the electoral district of Regina in the Province of Saskatchewan.

6. The Governor in Council may retain the services of a member of the bar of at least ten years' standing to act as legal adviser to the Chief Electoral Officer in reference to any matter relating to the general election following the dissolution of the present Parliament.

7. The provisions of Rules 1, 1a and 1b of Schedule A to section thirty-two of the Dominion Elections Act as enacted by this Act shall not apply to any election for which the writ is issued within one month from the date of the coming into force of this Act, but the returning officer at any such election shall, in the manner and subject to the conditions in the said rules specified, act upon any recommendation he may have received from or on behalf of either of the candidates defined in the said rule 1a at any time earlier than two days before the issue of such writ, and if no recommendation has been received from or on behalf of any such candidate for any polling division or part thereof the returning officer shall, so far as possible, select as one of the enumerators for such polling division or part thereof a person whom he believes to represent the same political interest as such candidate.

8. Notwithstanding anything in section one hundred and four of the Dominion Elections Act, this Act shall come into force forthwith upon its being assented to.

And it being after eleven o'clock, p.m., Mr. Speaker adjourned the House without question put, pursuant to Standing Order 7, it being then five minutes past eleven o'clock, p.m., until to-morrow, at eleven o'clock, a.m.

RODOLPHE LEMIEUX,
Speaker.

NOTICES OF MOTIONS AND QUESTIONS

Sir George Perley—On Monday next—INQUIRY OF MINISTRY—1. Who holds the position of District Veterinary Inspector at Montreal?

2. Is he at present performing the duties?
3. If not, why?
4. Is the salary being paid to him?
5. Does he occupy any other position in the Government service?
6. If so, what position?

Sir George Perley—On Monday next—INQUIRY OF MINISTRY—1. Has a site been purchased for a Post Office building in the town of Huntingdon, Quebec?

2. If so, what is the size of the lot and what price was paid?
3. Is it intended to erect the building this year?
4. What is the estimated cost?
5. By whom was the selection of the site made?

MEETINGS OF COMMITTEES

Room	Committee	Hour
	Saturday, May 24	
429	Miscellaneous Private Bills.....	10.30 a.m.

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