

candidates. He believed that both gentlemen had acted impartially, but candidates would not believe that. He proposed to give the Government power to allocate the sheriff and registrar to either of the divisions of the county. The Bill proposed to create additional polling places in the district of Algoma. The law hitherto had been that the elections there should not take place during the winter, but he had added May and November to the months when elections could now take place. He proposed that a petition should not be filed without a reasonable verification, and also that there should be a deposit of money, as provided by the Dominion Act, instead of security by bond. The Dominion Act provided for \$1,000, but the Ontario law required only \$800, and he should like to deposit only \$500, and to make the amount similar to that in the Dominion. He also proposed that a trial should be commenced within six months after the petition was presented, and should be continued from day to day; also that no trial should take place during the session or within fifteen days afterwards without the consent of the candidate. If six months elapsed additional securities should be provided by the parties. The 32nd section provided a very important amendment, namely, that where the question was one of corrupt practice, the trial should be by two judges. If a member were found guilty of corrupt practices the penalty was very severe; not only the loss of a seat but, disqualification for eight years from sitting in this House, or voting, or holding any office in the gift of the Lieutenant-Governor or any municipal office. In criminal cases a man had the opportunity of being tried by twelve men, and he therefore thought there would be an advantage in giving a man the benefit of two minds in these cases. There would, he thought, be no difficulty found in arranging the sitting of the judges so that the present number would be sufficient to try the cases. At all events, the experience which would be gained between this and the next general election would be sufficient to guide the House in future. Then, it had been found that members had been found guilty of corrupt practices, rightly found guilty under the law, but of practices committed by them unknowingly, which might be designated as trivial, and which had no effect on the result of the election. This had affected all parties. Some slight action which no one anticipated would be a corrupt practice had been held to fall within the terms of the Act. It had seemed to the Government extremely just that if a candidate committed any act which was technically a corrupt practice without corrupt intent, and with an ignorance which was involuntary, and where the evidence showed that he had honestly desired to have a pure election, and that the act in question did not materially affect the result, the election should not be held to be void and the candidate should not be disqualified. It was necessary to be cautious not to let in the corruption which it was desired to keep out, and he had therefore made the condition to which he had referred. He thought the House would agree with him that this section was so hedged around with conditions as to render it a secure one to have. He thought the public sentiment required that they should deal even more liberally with cases in which the act was that of an agent. He did not propose to alter the law of the agency, but where an agent did an act of a trivial character without the knowledge of the candidate it ought not to void the election. He thought the late elections had been a great credit to the country. No general election had been held in Ontario which had been anything like so free from corrupt practices as the last. There had been a good many trials, and several persons had been unseated, and in almost every case this arose from some trivial thing, and not from what the common sense or the conscience of the community regarded as corrupt, or from anything which had any result on the election. He thought election trials should not be discouraged. They should rather encourage the investigation of corrupt practices, and therefore they proposed so far to leave the costs to be disposed of as if these provisions were not introduced into the law. The 38th section provided that persons, other than candidates, found guilty of corrupt acts resulting in disqualification, though not morally culpable, could be relieved at the option of the judge before whom the trial took place on their making application to him. The 39th clause imposed the payment of costs upon agents found guilty of corrupt practices, and the two following clauses were chiefly connected with this matter. Another

section extended the jurisdiction of the Court of Appeal in questions of fact. There had been a very strong feeling that candidates who had been disqualified, though not morally culpable, should be relieved to some extent. How far this relief should extend was a matter for the House to discuss and decide upon. He was of opinion that in cases where—though there had been extenuating circumstances the judges had not been able to take into account—the candidates were not morally culpable, some relief should be afforded.

Mr. MEREDITH held that the severity of the present election law, which had worked well, should not lightly be relaxed; that the law regarding the payment of even the smallest sums of money for corrupt purposes should not be interfered with. It would also be very dangerous to allow the individual opinion of any judge to be decisive as to what constituted moral culpability. He opposed the idea of this House being constituted a Court of Appeal from the decisions of the judges upon disqualified members. Though two of the gentlemen now suffering the penalties of the election law belonged to his (Mr. Meredith's) party, he would sooner allow the law to take its course than risk shaking the confidence our people now had in our judiciary, and in the mode of conducting the administration of justice. He had no objection to having election cases tried by two judges instead of one, but he did object to the provision by which persons enjoying the income franchise should be obliged to pay their taxes before voting. As he favoured a very large extension of franchise, and believed in the inherent right of every citizen of the country to vote, he could see no justification for such a provision. He favoured many things in the Bill, and he hoped that it would be considered entirely free from party considerations. (Cheers)

Mr. HODGINS referred to some of the judgments in the Election Courts as showing the difficulty the judges had in deciding upon the culpability of candidates, and the inconsistency in their decisions. The House should therefore be chary of imposing upon the judges the additional difficulty of deciding upon the alleged corrupt practices of persons other than the candidates. He did not think there would be much additional protection to respondents in requiring an affidavit. He was glad that agents would be made, to a certain extent, liable for their own corrupt acts, for under the present law not a single agent had been punished for his illegal practices. He thought that the notices of the various polling places in elections should be distributed to the same extent and in much the same way as the voters' lists now were, and should, in addition, be published in one newspaper in the constituency. He thought, too, that the returning-officer should have the power of counting the ballots in cases where deputy-returning-officers were charged with improperly receiving or rejecting ballots.

In reply to Mr. Lauder,

Mr. MOWAT said that in framing the Bill he had of course at the time only reference to election cases then decided, and was not yet familiar with the judgment of the case which had subsequently been decided.

Mr. SCOTT objected to bringing into this House discussions as to the moral culpability of disqualified candidates. He was of opinion that the present law had worked admirably well; it was not too stringent. The effect of the 35th section of this Bill would be to say to the people, "You can do a little more now in the way of corruption than you could, but you must be careful that it may not be found out." A Bill which would have the effect of relaxing the severity of the present law came rather strangely from the party of hon. gentlemen opposite, and was an acknowledgment that the present law had fallen with greater severity upon their own than upon the other political party. He thought that provision should be made whereby the petitioner might have the power of examining not only the respondent, but his agents and prominent supporters. As to income franchise voters, it was possible that the writ might be issued at a period of the year when the taxes could not have been paid. He would refer to other matters in Committee.

Mr. BRODER said the present law had worked well. He was in favour of some of the provisions of this Bill and opposed to others. The small number of disqualifications which had taken place showed that it was possible to carry out the present law.