

ONTARIO LEGISLATURE.

Third Parliament—Third Session.

LEGISLATIVE ASSEMBLY,

Monday, Feb. 11.

The Speaker took the chair at 3 o'clock.

Prayers were read by the Rev. Mr. Briggs.

ESTATES BILLS.

Mr. Speaker presented a report of the Commissioners on Estates Bills.

PETITIONS.

The following petitions were presented:—

By Mr. Cameron—Of John H. Mickle and others, of Kent, praying that the Bill now before the House respecting the Erie and Huron Railway may not pass.

By Mr. Cameron—Of Peter Roberts and others to the same effect.

By Mr. Cameron—Of Thomas Barney and others to the same effect.

By Mr. O'Donoghue—Of James Hope and others, of Ottawa, praying that the Bill now before the House respecting Cumulative Voting may pass.

By Mr. Richardson—Of the County Council of Norfolk, praying for certain amendments to the High School Act.

REPORTS OF COMMITTEES.

Mr. FRASER presented the ninth report of the Committee on Private Bills, which was adopted.

VOTERS' LISTS BILL.

Mr. FRASER, in moving the first reading of the Bill to amend the Voters' Lists Act, explained its provisions. The first clause simply described the manner in which the Bill might be cited, and the second clause interpreted certain terms used in the Bill to have the same meaning as the same words in the Election Act. The third clause provided for the settlement of the question of finality. It was necessary in a Bill of this kind to provide for a scrutiny with the least possible delay, that the question of a constituency's representation might be speedily settled, and that the lists should be protected from being used for corrupt purposes. It was one thing to make a vote good so far as the voter was concerned, but another thing to make it good so far as the election was concerned, and the Election Law regarded this distinction. The present Bill provided for the lists being made final for the purposes of a scrutiny, and for the purposes of a scrutiny alone. If they were made final for all purposes, a man who voted improperly, knowing he had no right to vote, if prosecuted, might escape by appealing to the voters' lists, which would be a manifestly unjust state of things. So far as it could, the proposed Act left the protection where it was formerly. In the event of a scrutiny, it provided that a man who was found to have voted, not having a right to do so, should be subject to the penalties due to his action, but that his vote should stand so far as the election was concerned. If a vote was not struck off by a judge in his revision of the lists, this measure provided that it should neither be struck off at the scrutiny, and in that respect it differed from the measure introduced by the hon. member for West Elgin last session. With regard also to aliens, non-residents, and farmers' sons, the lists, so far as the election was concerned, were to be made final by the revision of the county judge. This Bill might be considered as very lenient to persons guilty of corrupt practices; it was, however, really not so, but was a greater protection than formerly to a candidate, who usually knew nothing about the corrupt doings of his supporters. So far as the voter was concerned, it practically left the law where it stood now. It was well known that he himself held some peculiar views on the law with regard to corrupt practices. He did not think it was based on right principles. Its extreme rigidity, he thought, was due to the fact that it was at first administered by Election Committees, who seldom found anybody guilty of corrupt practices. Year by year the law was made more stringent, until its operation in

some cases brought before the judges was found to be monstrously rigid. A man who, unsuspectingly and without any intention of contravening the law, treated a few persons was placed on a level with the man who entered a contest with the deliberate intention of carrying the election by corrupt means, and who spent thousands of dollars in fulfilling that design. The judges had no discretion in such cases—the penalty of the two offenders was precisely the same. As people began to see the injustice of the matter, he thought they would be disposed to have the law so changed as to place greater discretion in the hands of the judges. Another class of cases affected by this Bill were those of persons who had a right to vote by virtue of income tax, but who had not paid the tax according to the provisions of the law as it now stood. The measure made an exception in such cases, providing that the whole question of the payment of taxes could be brought up at the scrutiny, whether the payment were made before or after the revision by the county judge, so that a person who paid his income tax after the judge's revision of the lists would be entitled to vote. This measure also provided that the names of those persons, such as judges, county attorneys, sheriffs, &c., who were disqualified by the Election Act from voting, should be struck off on a scrutiny. As these officials were well known the candidates need not be misled with respect to their votes, and therefore it was right, if their names were allowed to remain on the lists after they were passed by the county judge, that they should be struck off on a scrutiny. If a man whose name was on the voters' list, though improperly so, were challenged on coming to vote, the oath might be administered to him as at present, and if he took the oath he would be liable not only to the penalty imposed on him by the Act, but also to prosecution for perjury. So that the Act was intended to furnish a sort of double protection to the candidate and the constituency. This measure would not touch the question of any voters' lists prior to 1877, because it was assumed they would never come into question, and because if they did they would be considered final. But, in case of any election, section four provided that up to the first of June next complaints might be made with respect to the lists of last year. The clerk of the municipality should notify the county judge of such complaints before the expiration of five days after that date, and the latter should complete the revision before the first of August. A further provision was made for the certifying by the county judge of any lists that might be enquired into, and for their return and their being certified by the judge one month before the issue of a writ for an election. It was also provided in section 7 of the Bill for the county judge making his final revision before the 15th November. This, it was supposed, would give the judge ample time to dispose of all the cases that might come before him, and to return and certify the lists to the clerk of the peace or of the municipality. Some doubts had existed as to whether or not the Farmers' Sons' Franchise Bill made provision for the names of farmers' sons being put on the lists on the application of anybody but themselves. The judges had differed on this matter. To remove those doubts, this Bill provided, as a matter of right, that a farmer's son should be entitled to be assessed, unless he objected to being assessed. So far he had not heard of one instance in which a farmer's son had not taken advantage of the privilege granted to them by their Franchise Bill. The measure also provided that farmers' sons should have the same privileges in the way of complaints, &c., as other classes of voters. It further provided that the Lieutenant-Governor in Council might refer a case involving any general question relating to voters' lists to the judges of the Superior Courts, and the publication of their decision in the *Ontario Gazette*, so that the public might get the benefit of it. It was provided that a voter might also bring a special case before the judges, provided he paid the costs. The Bill