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THE DAILY EXAMINER

APRIL 21, 1900

A DANGEROUS BILL.

On the 5th instant, the Solicitor General, Mr. Fitzpatrick, introduced in the House of Commons a bill to "consolidate and amend the law relating to the election of members of the House of Commons." The bill, as it is introduced, is a dangerous one—in so far at least as Prince Edward Island is concerned,—and unless it is materially amended it should not be made law.

Let it be remembered that by the Franchise Act of the Dominion passed in 1898, Dominion elections in this Province will, in future, be held without voters lists, while the voting will be by ballot. The act of 1898, as amended by the Senate, provided that voters of doubtful qualification might be sworn and their votes objected to at the polls,—the qualification of such voters being adjudicated upon by the judge at the recount. It was provided that the deputy returning officer should have no discretion regarding the qualification of voters. His duty was simply to ask the necessary questions, administer the oaths when required to do so, reject the votes of those who refused to be sworn, and furnish ballots to those who had answered the necessary questions and taken the required oaths. To enable the question of the qualification of objected voters to come up judicially at a later stage, it has been provided that the ballot of the voter, whose vote was objected to, should be initialed and numbered, and a corresponding number and the words "objected to" should be placed opposite the name on the roll book.

The Fitzpatrick's Bill practically destroys all the safeguards provided in the Franchise Act of 1898, which correspond with those to be found in the Provincial laws. The deputy returning officer is made really supreme in regard to admitting or rejecting a vote. By section 23 of the act of 1898 it was enacted that when the voter had answered the necessary questions and taken the oath of qualification,—

"Thereupon such person shall be entitled to receive such ballot paper and to vote."

These words are omitted from Mr. Fitzpatrick's bill and the following is inserted as section 69:

"Where there is no voters' list, if a deputy returning officer rejects the vote of a person entitled to vote, and does so in good faith believing upon reasonable grounds that such person is not entitled to vote, the deputy returning officer shall not therefore be liable to any penalty."

Not only is the deputy returning officer exempted from the obligation to accept the vote when it is fully sworn to, subject to its being marked objected, but he is indemnified against any action on account of his having refused a good vote, except under provisions which would render a conviction practically impossible.

Under the Provincial law the deputy returning officer is subject to severe penalties where he acts improperly. But Mr. Fitzpatrick's bill does not make these penalties applicable to a Dominion election nor does it impose any penalty for the improper rejection of a good vote in Prince Edward Island.

Notwithstanding that the qualification of voters is established by the law of the Province for the purpose of a Dominion election, and that every voter in Prince Edward Island, must prove his right to vote at the polls, yet Mr. Fitzpatrick's bill does not provide that the Returning Officer, or the deputy officers shall be supplied with copies of the Provincial Act, nor does it provide that notices or advertisements shall be posted describing

in substance for the information of voters, the qualifications of electors as is required under the law of the Province in Provincial elections.

It is monstrous to constitute such men as are usually appointed deputy returning officers judges of the qualification of voters. But it makes the enormity still greater when they are unchecked by penalties for rejecting good votes, and when they are not supplied with copies of the Act which establishes the voters' qualification.

In the case of many of them it would make little difference whether they were supplied with the Act or not, as they would not be competent to understand it, and, in any case, there would not be sufficient time to so carefully examine its provisions as to enable a deputy returning officer to adjudicate upon the qualification of voters even if he were competent to do so.

Mr. Fitzpatrick's Bill professes to follow the Provincial statute, and the Senate amendments to the Franchise Act of 1898, in regard to the initialing and numbering of ballots in cases where a vote is objected to at the poll on the ground of want of qualification. But it does not provide for the final disposal of the objections in a prompt, inexpensive and summary manner,—if indeed it admits of any judicial inquiry into these objections.

But while the deputy returning officer is, by this Bill, made judge of the voters' qualifications, and is indemnified from penalties if he deprive qualified voters of their franchise, all jurisdiction is taken from the County Court judges to adjudicate upon objected votes at the recount.

In every Province in Canada, except Prince Edward Island, the final declaration after the recount means that the candidate who has the majority of votes found good by a competent and in nearly all cases by a judicial authority is elected. In Prince Edward Island, if Mr. Fitzpatrick's bill should pass, such final declaration shall mean that the candidate who has the majority of such votes as the deputy returning officers shall see fit to admit, shall be returned to the House of Commons!

It is possibly intended that the validity of these objected votes shall be disposed of on petition under the Controverted Elections Act. If so, the effect will be that in close contests the sitting member who may have the minority of good votes, will be enabled to hold the seat, as the issue would most certainly be complicated by charges of corrupt practices.

Prince Edward Island demands an honest election law, which implies that no judicial power touching the qualification of voters be given to Government clerks in the persons of deputy returning officers, and that votes objected to at the polls on the ground of want of qualification shall be summarily disposed of by County Court Judges at recounts.

If the Government, depending on their subservient majority in the House of Commons, persist in forcing this bill, in its present form, Prince Edward Island will again look to the Senate for protection.

It was the Senate, in 1875, that preserved the votes of one-half of the electors of this Province, when the McKenzie Government attempted to disfranchise the young men of the Island. Again, in 1898, the Senate forced the present Government to give us the protection which it is now threatened to take away.

The Dominion Elections Act and the Franchise Act of 1898, as they now stand, will make a fair election in this Province possible. These laws might be improved. But it is infinitely better that they should remain as they are than that Mr. Fitzpatrick's Bill, as it now stands, should become law.

We Could Tell Lots About Easter Selling

But we won't. We will let the half hundred trimmed hats and bonnets trimmed by Miss McEachern and sold by our saleswomen in our millinery department to the Ch'town, Tig'ish, Summerside, Souris and Georgetown ladies do the telling.



Something other than patronage must bring them to Ch'town's Greatest Store. Perhaps it is the low price asked, or may be the large assortment.

A great many think as we do—its the style exclusive style that Miss McEachern gives every hat. No fear of any lady running against her own hat on some other ladies head.

Now Ladies.

If you want your bonnet or hat next Sunday leave your order say to me tomorrow—Miss McEachern does not like pitching a hat together the end of the week or at



half past eleven on Saturday and giving you the bother of answering the door bell for our parcel boy at a quarter to 12 p. m. Leave your order early; we will do the rest.

JAS. PATON & CO

AN UNJUST REFLECTION.

INSTEAD of giving a reason sufficient in itself to justify the substitution of the Scott Act by Provincial Prohibition, the Guardian says:

"It is the weakness of the Scott Act that it leaves the question of the total exclusion of the traffic from this Province to the caprice of a narrow majority in one small district"—i. e., Charlottetown.

This is an unjust reflection upon the great majority of the people of our capital city. We have no doubt whatever that a very large proportion of the electors of Charlottetown desire the suppression of drunkenness quite as ardently as the Guardian, or those whom the Guardian is inspired. It is well understood that, not "caprice," but a "deal," was the cause of the defeat of the Scott Act at the last election; and it is certain that, if assured that drunkenness has increased and is increasing under license, a very large majority of the people of Charlottetown will vote it out at the first opportunity and return to the Canada Temperance Act. Then we should have, for the entire Province, all that Provincial Prohibition can give, without the uncertainty and delays, involving free rum, from time to time, which appertain to a new and untried Provincial Prohibitory law.

The Guardian's proposal that the people of the country districts shall give up the Scott Act—which has been operated successfully in so far as they are concerned—and try a brand new Provincial Prohibitory law—which cannot prohibit the importation of liquors—reminds us of the story of the dog which, with a large piece of good beef in his mouth, running by the side of a clear stream of water, let go the beef and jumped in to catch the shadow.

However this may be, the Guardian's remark about the "caprice" of a "narrow majority" is an unjust reflection upon the people of Charlottetown,—and on their behalf we resent and repudiate it.

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