

# PLACES ONUS OF PROOF ON ELECTOR

## Clause on Objections in Bill Amending Election Act Raises Opposition

### DEBATE ON ADDRESS OVER

#### Hon. T. Johnson Introduces Bill Aimed at Ending "Clubs of That Class"

Objections to a clause in a government bill amending the Election act were recorded in the legislature yesterday by Liberals as well as Conservatives, and also by F. J. Dixon (Ind.), and R. A. Rigg (Social-Democrat). In fact Premier Norris, who moved the second reading of the bill, was the first to point out the difficulty. He proposed that the question, together with the whole matter of bringing the Election act up-to-date, should be referred to a committee authorized to study the question between now and the next session of the house.

The clause in question provided that the onus of proving the right of a protested name to remain on the voters' list rests on the would-be elector or his agent, instead of on the person protesting the name. The house agreed that the present system has in the past caused grave irregularities. Instances were cited in which it was impossible to remove from the list hundreds of names fraudulently registered by proxy. At the same time, it was pointed out that to require a person whose name was challenged to go to the expense and trouble of vindicating his right to vote at the court of revision might create much hardship.

#### Read Conditionally.

The bill was read a second time, with the understanding that the house is not committed to the clause in question. Other features of the measure, which Premier Norris emphasized in a vigorous address, provide for the abolition of the annual revision of the lists and for largely increasing the discretionary powers of the revising judges. Under the terms of the bill, revisions will be held before every election and perhaps at intervals to be determined by the law amendments committee.

Mr. Norris made it clear that the bill does not aim at bringing the Election act to perfection. To do that, he intimated, would be a long and arduous job. The amendments now proposed are required in order to make it possible to take the referendum in March under reasonable conditions.

Speeches from S. E. Clement (Brandon) and T. D. Ferley (Gimli) brought the debate on the address to a close. Mr. Clement dealt with patriotic and agricultural questions, and Mr. Ferley, who represents a constituency largely Polish and Ukrainian, argued in favor of the bilingual school system.

Hon. T. H. Johnson introduced a bill to amend the acts of incorporation of certain clubs. This means the end of those "clubs of that class" which caused so much public interest two years ago. Mr. Johnson's bill is a replica of one that he endeavored to introduce at the last session of the house. It was then barred, the Roblin government maintaining that a member had no right to bring in a bill to amend a private act without first filing a petition.

After joining the other speakers in their congratulations to Speaker Baird and Premier Norris, Mr. Clement said: "I particularly desire to publicly pay my tribute to the work of the attorney-general, and to say that the people of Manitoba are fortunate in having a gentleman of his attainments and character administering the department of Justice, and I believe the people, irrespective of party, recognize those qualities. But if they understood the great responsibilities which he assumed in endeavoring to redeem the name of Manitoba they would appreciate more the effort to restore Manitoba to the position which she ought to occupy among the provinces of Canada."

"I desire further to compliment the leader of the opposition upon his promotion to such an important office. When I entered the house and found the opposition without a head a spirit of guilt seized me and I became possessed of a feeling that I more than any of the others was responsible for the decapitation."

#### In Good Hands.

"And, sir, it was a source of considerable relief when I learned that the honorable member for Carillon had been selected leader, and when I listened to that concise, though exceedingly appropriate address which he delivered I felt that burden or responsibility removed and I became calm in my mind because the opposition is now in good hands."

"Mr. Speaker, we are witnessing a unique but a very pleasant sight, viz. a government with a fixed determination to put into legislation the pledges which it made to the people. And I came here with a feeling that now is the time for action not words; but lest by silence we be misunderstood, I wish briefly to reiterate my views on some of the important questions and state that they are still the same."

"It is true we are attempting many important reforms, but these reforms did not spring into existence overnight, but many of them have been

the gradual growth of years which should have been in force years ago except for the influence of the reactionary government which has been in power so long, and I am proud to be able to take part and show to the people of Canada that if a question is right Manitoba is not afraid to blaze the trail."

Turning to the question of agriculture, Mr. Clement said: "Never in the history of the province had there been such a quantity of land fall plowed, and never so well done—a splendid demonstration of what proper cultivation will do. Last year's crop proved that good farming pays and pays well."

"We have in Manitoba the most elaborate buildings in Canada, a principal renowned for his ability and experience in agriculture, a staff of professors and experts, demonstration farms, capital to permit cows being placed with poor farmers, and experts and war on weeds. All these are very commendable but we want more. This house is indebted to Mr. Prout for his able presentation of the subject of rural credits. I am satisfied that something can be done along these lines to help the farmer and we ought to take the question up seriously."

#### Better Markets Wanted.

"Better markets for wheat and cattle are wanted. It is the duty of the government, if necessary, to spend money but let us help to provide better markets and a better connection with the Old Country."

Dealing with the labor question, the speaker said: "Labor should be adequately protected and the matter of proper compensation must have the consideration of this house."

"As to woman's suffrage the humanity of the question is the thing which appeals to me. I feel proud to belong to a party that is the first to recognize so far as refranchise is concerned that woman should be on an equality with man."

"Then there is the dower law. Full duty will not have been done until the government provides a proper dower law. At present a man can dispose of his property under his will without any regard for his wife. No matter how long she lived with him nor how much she helped to accumulate that property. We ought to remedy that wrong."

"Regarding education, I wish to publicly express my appreciation of the masterly way in which the honorable the minister of education presented the question of education. As a result of that speech Manitoba has been awakened and the people see the situation as they never saw it before, and the demand is most imperative."

"Many of the parents want the English school and an English-speaking teacher. To effect this may call for sacrifice on the part of some and it may even cost some members their seats but what matter so long as we lay well the foundations for the future Canadians."

"This is the most serious matter we have to deal with. Bilingualism must go," declared Mr. Clements. "In the interests of Canada there must be only one language."

"With reference to prohibition, the people of Manitoba wanted prohibition 16 years ago and they have wanted it ever since. And they want it now, and I am as confident as that the sun shines that it will carry. I believe in it and will do all in my power to see the referendum carry. I want to see ample provision made for the soldier vote too."

In bringing his speech to a close Mr. Clement struck a patriotic note and said:

#### Nobler Type of Canadian.

"I desire to express my regret that it has become necessary to participate in war, but our admiration for England is unbounded and we are proud of Canada and the action she has taken so freely and of her own accord. Our boys have paid a heavy sacrifice and the end is not yet, but it has developed a nobler and a better type of Canadian, and there have been heroic sacrifices on the part of many who cannot go to the front. Let us see that we do our part to make Canada a good place to live in so that not only our Canadian soldiers but our Canadian manhood and womanhood will be exalted. I received a card a few days ago from one of our Brandon boys who went through many of the fiercest battles and whose regiment came out of one battle with only 21. I want to give you his message:

"No land illum'd by yonder sun  
Can more inspiring be than one  
Where, my far visions roam  
O'er prairies wide, thro' forests grand  
My love is thine, thou lavish land,  
Dear Canada—my home."

#### Member for Gimli.

T. D. Ferley (Gimli) said he was the only member of the house that had acquired his citizenship by naturalization. He was able to occupy his place because of British fair-play, and the liberty and equality of the British constitution. His constituency was, with the exception of North Winnipeg, the most cosmopolitan in the province. The Ukrainians and Poles formed the majority. Mr. Ferley said there were 65,000 Ukrainians in Manitoba and 300,000 in the Dominion, and the immigration of these people into Canada had begun only 20 years ago. They had come from rural districts, and although at first the real estate speculator had lured many of them into the cities, the farm was their place, a fact that they were coming to realize. The back-to-the-land movement had started with them in earnest.

The Ukrainians in Manitoba had made magnificent progress. As far as their loyalty to Great Britain was concerned, most of them had come here firmly resolved to make this land their home. With insignificant exception, they were true and loyal supporters of Great Britain. Mr. Ferley pointed to their contributions to the Red Cross and the Patriotic funds, and to their eagerness to enlist. Many young Ukrainian boys were now with the Canadian boys at the front. He knew a number of them who were prisoners in Germany.

#### Many Had Changed Names.

Some of them had even changed their names in order to get a chance to serve their adopted country, and one, known to him, had chosen the alias of "Norris," so he could get

into the army. Owing to a misunderstanding, some of them had found their way into the detention camps. The speaker explained a language difficulty which had more than once resulted in making a Ukrainian seem to be pro-German, when as a fact he had tried to convey the reverse impression.

Mr. Ferley said the treatment of these people should be based on British fair-play.

Reviewing the government's programme, Mr. Ferley expressed approval of it in the main. He was in favor of woman suffrage, prohibition and direct legislation. He was particularly proud that this province was leading the way in giving of votes to the women.

On the school question, Mr. Ferley said it was the duty of the government to see that every child got an education. A majority of the electors were in favor of compulsory education. He declared himself in favor of it, and he was also in favor of abolishing the Coilwell amendments. At the same time, he was in favor of bilingualism, first because he had promised his constituents to support it. Moreover, the Liberal platform had promised that the national school system as embodied in the Laurier - Greenway settlement should be maintained. Bilingualism, he thought, tended to promote harmony in the province. In the course of time its present evils would be removed.

He declared that scholars in the bilingual schools were not inferior in knowledge of English to scholars educated in the English schools. In support of the statement Mr. Ferley mentioned the case of a Ukrainian who, after attending a bilingual school for many years, took honors in the ordinary teachers' examination. It was desirable that bilingualism should be retained so that the children of foreigners should be able to correspond with their relatives in the old country. One case, said Mr. Ferley, occurred to him of a Ukrainian boy who had been sent to Saskatchewan to be educated, and could not, on seeing his father in a few years, converse with him.

Mr. Ferley said the absence of bilingualism in the United States had impelled foreign settlers to set up their own schools, over which the government exercised no supervision. The result was that the cause of national union had been retarded rather than advanced. There should be efficient teachers in all schools. In supporting bilingualism, he was not supporting inefficiency in the teaching profession. High standards of proficiency should be exacted. He hoped the assembly would view all questions without prejudice, and give fair-play all round.

The question was then put and the house declared the address adopted. Mr. Norris then moved the usual motion appointing a committee.

#### Premier on Election Act.

In moving the second reading of the bill to amend the Election act, Premier Norris remarked that, for one thing, it would do away with the annual revision of the voters' lists. His predecessor in office had for years held that the annual revision should be continued, and there had consequently been many keen discussions between them in former sessions.

"I take this first opportunity," said Mr. Norris, "to ask the house to abolish this annual revision. This step will effect a saving of from \$25,000 to \$30,000 a year—a sum that, to my mind, has heretofore been uselessly expended. The bill provides for a revision of the lists whenever it is necessary. Dates for the revisions can be set by the committee on law amendments, and in any case the bill will provide for a revision prior to every election, whether a general election or a by-election.

"Clause 3 provides that, at the trial of objections to names on the voters' lists, the onus of proving that a name should be retained rests on the would-be elector or on the person that registered the name. This is intended to overcome a difficulty we have often encountered at revisions of the lists. The act formerly provided that the court or the board engaged in the work of revision should be composed of county court judges. But the late government, for reasons best known to itself, took most of the authority away from the judges, and it was given to appointees of the government. Many other changes, not entitled to the name of amendments, were made in the act during the regime of the late government, and their effect was practically to wipe out the jurisdiction of the judges, whose work was defined as nearly as possible by the letter of the law. It was possible to have names added to the list easily, but extremely difficult to get them removed. It cost a great deal of time and money to get wrong registrations removed. After revising the list for the 1914 election in The Pas, the revising judge called attention to the fact that he was satisfied there were several hundred names on the list that ought not to have been on, but he had no power to cut them off. It seems advisable to us that the discretionary powers of the revising judge should be enlarged, and this bill will enlarge them.

#### Puts Onus of Proof on Person.

"As I have said, it has heretofore been necessary, in order to get a name off the list, that the person making the objection should prove his case. This amendment asks that the onus of proof be placed on the registered person, or his agent. Some objection may be raised, and if it is not properly safeguarded it might result in hardship. For example, an elector might be out of town when his name was challenged. If he did not appear to prove his right to stay on the list, he would lose his vote. Or a laboring man might not be able to spare the time necessary to vindicate his right to vote. I point these things out because we want the cooperation of the members in devising safeguards against these hardships, if possible."

Mr. Norris explained a clause in the bill requiring registration clerks to sit on the sixth day after registration, instead of on the first as heretofore, in order to receive objections to names registered. It was explained that the bill, by a typographical error, required the clerk to sit every day for six days after registration in order to receive objections. There was no object in having him sit on six successive days. The end aimed at was to give an opportunity for people to search the lists and prepare their objections. This had not been practicable in any complete sense in the past. Mr. Norris said that where there was a large vote it had been found impossible, largely on account of the one-day provision, to have a proper revision. The revising judge—it might be well to state that the government had confidence in the judges—would have the right, if he thought it necessary, to extend the period during which the revision could be made. It was hoped by this means to have a better list. Mr. Norris said that he was strongly in favor of increasing the discretionary powers of the judges.

#### Amendments Necessary.

"These are not all the amendments that are needed in the Election act," said the premier. "This bill is not put forward as an attempt to make the Election act perfect. But some amendments are needed in order to take the temperance vote, and immediate action is therefore needed. I believe the importance of this work will justify the government in asking the house to appoint a committee to give its whole attention to the business of drafting a good Election act. This will require a good deal of care, and I think the committee should pursue its labor while the house is prorogued, and it might report at the next session. I move the second ac

reading of the bill, seconded by the hon. minister of public works." F. J. Dixon remarked that, while he realized the abuses that took place under the old act, he thought the clause putting the onus of proof where names were protested on the voter would work great hardship on working men. Many would allow themselves to be struck off the list rather than take the trouble to see that they stayed on. Mr. Dixon suggested a penalty for irresponsible challenging of names, saying the electors whose names were protested should at least get their expenses when they had proved the right to vote.

Mr. Norris—"The attorney-general points out to me that if there is any serious objection to this clause it might be left for the committee to deal with."

Albert Prefontaine—"Another objection to the clause is that it will work a hardship on the rural electors. Some might have been on the list for years, only to have their names struck off irresponsibly. Then they would have to make a second trip to town."

R. A. Rigg—"I can scarcely imagine that the house will stand sponsor for an amendment which throws open the door to widespread abuses. However, I will not go into that now. But has the government considered the requests of the Trades and Labor council and the Trades congress—that election day should be a half-holiday, that the period of registration in industrial centres should be prolonged, and that voting should be compulsory?"

Mr. Norris—"The fact that these matters are not referred to in the bill does not mean that they have been overlooked. They will have to be gone into more fully, and would be desirable questions to bring before the committee I have suggested."

#### Abuse Most Serious.

Hon. T. H. Johnson said that the abuse which the disputed clause sought to correct was a most serious one. He thought the house would be safe in giving the bill its second reading, on the understanding that it was not committed to the principle of the measure. Personally, he felt that the point might very well be left over. He could well understand what had given rise to the suggestion that the clause should be amended. He was not urging that the clause should be adopted. But it was directed against an evil for which there must be some remedy. It was an evil he had been up against on many occasions. In elections he had known, keepers of hotels had made wholesale registrations by proxy. Often there were no men behind these names. There was nothing behind them, except somebody's determination to get them on the list. However, this matter can very well stand. If the committee thinks the clause should be eliminated or postponed, the government would find that satisfactory. Something will have to be done later.

J. W. Wilton (Assinibola) agreed that it was absolutely necessary to correct the evil made possible by the present act. He said that in Assinibola, in the election of 1914, about 900 names were on the list of dead men, and absentees, and others not recognized as electors by the law. In order to get a decent list for 1915, evidence had to be procured in all these cases, and the house could imagine the time and labor involved. It took six months' work. Mr. Wilton, however, did not press for the particular amendment in the bill.

The motion to give the bill its second reading was then carried.

Hon. Mr. Johnson asked leave to introduce a bill to repeal the acts of incorporation of certain clubs.

"Is the designation of this bill quite complete?" asked Mr. Rigg. "Should not the words be added, 'of that class'?"

The house laughed and applauded.

Hon. Dr. Armstrong introduced a bill to amend the Public Health act;

Hon. A. B. Hudson introduced a bill to amend the Partnership act; and

Hon. V. Winkler introduced two bills—one to amend the Dairy act, and

another to amend the Marriage act.

The last adds to the list of religious denominations whose ministers are

entitled to perform the marriage ceremony. It will cure some technical illegitimacies.

#### Notices of Motion.

The following notices of motion were filed:

Hon. Mr. Johnston, on Friday next, will ask leave to introduce a bill respecting "The Old Folks' Home."

Mr. Sims, on Tuesday next, will ask leave to introduce a bill respecting the Rural Municipality of Swan River.

Mr. Lowery, on Tuesday next, will ask leave to introduce a bill relating to Town Planning.

Mr. Baskerville, on Tuesday next, will ask leave to introduce a bill respecting the Town of Emerson.

Mr. Rigg, on Tuesday next, will move a motion: "That the Select Standing committee on Privileges and Elections be instructed to investigate the charges of alleged irregularities preferred in connection with the conduct of the election in North Winnipeg on August 6, 1915, and to report their findings to the house during the present session."

Mr. August, on Tuesday next, will ask leave to introduce a bill to amend "The Municipal Act."