

Carvell's Speech

IN THE COMMONS.

A Convincing Contribution from the Member for Carleton.

(Continued from last week.)

Now I will not dwell any longer upon this specific instance of unfairness in the law, excepting to show what has taken place at the revision which is going on at the present time. Now there was an investigation before a committee of this House, I think in 1906, where evidence was given by both parties as to the condition of affairs in Manitoba at that time. It was known by the Conservative party in Manitoba two months ago that this Bill was going to be introduced and brought up for discussion. Now they are wily politicians, and the moment they found that their acts were going to be brought under the limelight and criticised by the people of Canada, the moment they found that remedial legislation was going to be enacted, then they become virtuous, we are today, look what we are doing today, why, we are giving you 6, 10, 12, 14 registration districts in each constituency, we are giving you two days in most cases for revision courts when you had only one before, we are giving you everything you ought to have, and everything that a reasonable man could ask. Also their leading Tory paper comes out with a challenge that they will give \$25 to any man who fails to get his name on the list who complies with all the provisions of the Manitoba law.

Well, why did they not make that challenge five years ago? The trouble was that the poor fellow could get no chance to comply with provisions of the law.

Mr SCHAFFNER. We have made the challenge retroactive.

Mr CARVELL. Well, I have not seen that part of the challenge, I have seen the challenge which says they will give \$25 to any man who fails in this revision to get his name on the list. Now I want to show what they have done in the division represented by my hon friend from Portage la Prairie (Mr Crawford), in their management or mismanagement of this application. We find that it is an impossibility to appeal against names added or proposed to be struck off, in at least I think two districts in his constituency. We have shown that by the law there must be at least five days elapse between the close of the registration and the opening of the revision court. I think there must be one or two days for handing in the lists to the revising officer, and the revising officer must give at least three days notice to a person against whose name there is an appeal. Their orders in council show that there are only three days between the last day for the sitting of the registration court and the revision court. Now I ask how is it possible to appeal against a name added, or to appeal against striking a name off the lists, under those circumstances. Oh they say, that is a mistake, and that is no reason why this law should be erased from the statute-book. Well, Sir, I say that if you have a law in Manitoba by which it is possible for a mistake like that to be made then you have abundant evidence that it is right and just for this parliament to intervene in order to cure the evil, so far as we are concerned, and to provide a law that will be fair, just and equitable to all parties concerned.

Now I want to discuss the thin red line matter, because if I do not they will say that we are afraid of that. There has been a good deal of discussion in the province of Manitoba and in the newspaper press of Canada over this thin red line. I think probably outside of Manitoba there has been over the unfairness and inequity of the law itself. We find that, when the returning officers received the lists in 1904 for the Dominion elections, in a number of cases there was an overlapping of constituencies that is to say, a portion of a local constituency would be included in a federal constituency. In the constituency of my hon friend from Portage la Prairie, we are told there are parts of seven local constituencies included in the federal constituency. This is true to some extent in all the constituencies in Manitoba. My hon friends opposite now do not deny the right of the returning officer to arrange these lists so that the proper persons may vote in their proper places. They admit that now, because they are compelled to admit it. The other evening the hon member for North Toronto (Mr Foster) said that in the prosecutions which followed the elections of 1904 there was no fraud, and no protest against fraud. You will find his remarks on 8585 of 'Hansard,' but I will not trouble the House with reading them. He stated that there were no informations against returning officers

for correctly overlapping lists, but for internal redistribution, I think I am giving the substance of his statement.

Now, Sir, I am sorry that neither my hon friend from North Toronto nor any other member of the House has placed upon 'Hansard' the exact informations which were laid against these people. I admit that we people who are not on the ground are all discussing this question somewhat in the dark as far as that question is concerned, but I simply want to ask this question and I shall be glad if some hon gentleman will answer it: If the informations were laid solely on account of fraud in redistributing internal constituencies why were these informations dropped? If these returning officers committed a fraud upon the public I do not think there is enough magnanimity and brotherly love in the Conservative party in Manitoba to drop such a beautiful chance of wrecking vengeance upon their opponents. If there was anything in these charges, if the thing was not a farce, why did they not go on with the prosecutions? The only reason that has been given so far is that which has been given by the hon member for Marquette who says: Oh, well, politics will creep in and you cannot get convictions. Of all the flimsy excuses I ever heard for dropping charges as iniquitous as this and charges involving such serious consequences this is certainly the flimsiest. I never heard such a flimsy excuse in my life put forward by a great political party to explain the action that it took upon that occasion. Any man from the east is forced to the conclusion that it was done for political effect. He is forced to the conclusion that these officers were arrested on election day in order to influence the election on that particular occasion and that when these arrests did not influence the election and did not defeat the Liberal candidates, the object for which they were brought about was gone. No offence against the law has been committed and all these gentlemen would do was to drag the cases on for two years from court to court until finally they were brought up against a stone wall and when Mr Leach demanded that there should be a prosecution the attorney general of the province of Manitoba took the only course open to him, went to court and publicly entered a nolle prosequi in all cases.

Mr S J JACKSON. And then they distributed a few thousand dollars among their legal friends in Winnipeg.

Mr CARVELL. That was only an incident.

Mr HENDERSON. That was all right, was it not?

Mr CARVELL. They have a right to do that and if ever hon gentlemen opposite are in power they will distribute a few thousand dollars among their legal friends as well. The hon member for North Toronto (Mr Foster) was eloquent last night over omissions from this iniquitous Act. He said that it was an outrage upon the rights of the people to allow constituencies to remain vacant beyond a reasonable time after the vacancies occurred. I know that because they did wrong it is no justification for doing wrong now, and I do not think that there has been wrong done, but I simply want to point to the inconsistency of this hon gentleman. If there is an hon gentleman in this House who is capable of being absolutely inconsistent it is the hon member for North Toronto and the more inconsistent he is the more I admire the nerve of that hon gentleman. That hon gentleman can stand up and put forth a proposition which would cause any other man to be laughed down, but because of his record of inconsistency and because we know what he will do he is allowed to go on and make these statements without protest. Did he, when he was a member of the Conservative government, ever protest against allowing a constituency to remain vacant for more than a fortnight?

An hon MEMBER. Answer that.

Mr CARVELL. Did he ever allow a government official to go around the country for the benefit of the Conservative party and take part in elections? Does he remember that when he was running an election in the province of New Brunswick in 1896 that they would send for another thousand shingles, shingles meaning passes on the Intercolonial Railway, in order to bring Tory voters to the polls? Does he remember that?

Mr FOSTER. No.

Mr CARVELL. The hon gentleman has a most convenient memory. I do admire his nerve every time he speaks. The first time I heard the

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hon gentleman speak was when I was not more than ten years of age. I heard him addressing a temperance meeting and I thought it was the most magnificent speech that had ever been delivered up to that time.

Mr FOSTER. Did it have any effect on you?

Mr CARVELL. It made me believe at that time there was only one great man in the world and that was George E Foster. But I have been completely undeceived on many occasions since then. I have been deceived by this hon gentleman's inconsistencies and when I hear this hon gentleman standing up and finding fault with the Liberal party because they have allowed constituencies to remain open six months, when I hear him condemning them for allowing their officials to take part in elections and when I hear him charging this government with trying to bribe the constituencies with public works I am forced to exclaim: O, consistency, thou art a jewel. If you take the record of the hon gentleman and the party which he practically leads and consider what they did for the eighteen years during which they were in power no man can do anything but admire the hon gentleman when he can stand up and berate this government because they have not provided for certain things in this Bill. The hon gentleman also waxed eloquent over the abolition of the secrecy of the ballot. There is no man in this House who will stand for the secrecy of the ballot more than I will and, in so far as the province which I represent and with which the hon member for North Toronto is well acquainted is concerned, there has never been a protest from either Liberal or Conservative against the secrecy of the ballot. I think we can at least claim that in that respect matters have been straight and square on both sides. I would be the last person to vote for any measure that would in any way interfere with the secrecy of the ballot. But, the hon gentleman knows, I have no doubt, that the object of this legislation is not to do what he says it will do. He knows that in the last general election in Wentworth the deputy returning officer at one of the polling subdivisions placed the numbers on the ballot instead of his initials, he knows that the result was to disfranchise the electors in that polling subdivision and he knows that the final result was that the election was voided and that a new election had to take place. He knows that there are irregularities in a great many constituencies throughout the Dominion of Canada. He knows that in one of the constituencies in the province of Ontario some years ago a returning officer placed certain marks on the ballots and the ballots were refused. He knows these things have happened in the past, he knows they are liable to happen again and he knows that the sole object of this

clause is to provide that in cases of that kind, in the absence of fraud, the men who have gone to the polls shall not be disfranchised and the party for whom the votes are cast shall not be penalized unless there has been some fraud in the matter. My hon friend must know that.

On two occasions in his speech last night the hon member (Mr Foster) chastized members on this side of the House because they had not made their complaints about the unfairness of this management of this election, before the legislature of Manitoba. I am not familiar with all that has taken place in the legislature of Manitoba but statements have been made here pro and con as to what was said by Mr Mickle when the Bill was introduced in the legislature and with that I will not deal now. I want to refer to one matter which was laid before the legislature of Manitoba within the last two months and I will show the kind of satisfaction that any Liberal member gets in that legislature when he tries to complain against the electoral law. At a revision held some time in 1906 or 1907 at a place called Macinac application was made for the removal of six names from the list, and three were Liberals and three were Conservatives. Two Liberals had removed out of the country for a number of years and two Conservatives left the country after they did. Then there were two other men, McLaren and Thibeau who had been station agents in that locality and McLaren had left three years before the revision and was succeeded by Thibeau who left the country about three months prior to the holding of the court. McLaren was a Conservative and Thibeau was a Liberal. Under the law of Manitoba all six of these men should have had their names removed from the lists, and it was understood by Mr Campbell a member of the legislature who was present that the names were to be removed. But when the list was sent to Winnipeg and issued from the office of the King's Printer we found that the three Liberals were removed from the list and three Conservatives allowed to remain on. During the last session of the local legislature Mr Campbell from his place in the House referred to the matter and the attorney general and the Prime Minister of Manitoba became very indignant and Mr Campbell was asked to withdraw his statement. He stated that if the papers were brought down and if it was found that Judge Ryan had not removed these names from the list and that Judge Ryan had done what the printed lists showed, then he would withdraw his statement. The discussion was published in the Winnipeg papers the next day and on the second day after, Mr Campbell rose in his place on a question of privilege to discuss what the newspapers had said about his withdrawing his statement. But the moment he rose the premier raised a point of order on the ground that he was referring to a previous debate. The speaker of course ruled with the premier and the attorney general and Mr Campbell was refused permission to speak on the question of privilege. He then moved the adjournment of the House and at the same time he moved that all original applications to add to and strike from the lists be brought down, and he said: If you will bring down these papers I will show you whether the statement made by me was correct or not. And, Sir, can you believe that the Conservative majority in the legislature absolutely refused to bring down the papers although



under the Act they were legally, or ought to be legally within the custody and control of the deputy provincial secretary. They did not deny and they could not deny that the papers were there, but by brute force they refused to bring the papers down and give Mr Campbell a chance to justify his statement. They took the flimsy excuse that Mr Campbell's action amounted to a charge against Judge Ryan. It is wonderful what those gentlemen will do when they want to protect themselves over the heads of others. They were very anxious to protect the judicial reputation of Judge Ryan but they were a great deal more anxious to protect the unlawful acts of their own officials in leaving the Conservatives on the list and taking off the Liberals. Had it not been for that the Manitoba government would be only too glad to bring down the original papers and transfer the charges from themselves to Judge Ryan.

Mr W J ROCHE (Marquette). Does the hon gentleman make that charge?

Mr CARVELL. I state the facts as I have them here and I say these are the facts.

Mr W J ROCHE (Marquette). You don't state all the facts.

Mr CARVELL. I say it is another evidence of the impossibility of the Liberals in the Manitoba legislature getting justice from the Conservative majority. I say it is another evidence of the necessity of this legislation, and it is another evidence that in one hundred and one ways the will of the people of Manitoba is buried by the resort to every conceivable trick known to the trade. It shows the futility of the Liberals going to the legislature of Manitoba to have any grievance redressed.

Mr W J ROCHE (Marquette). The hon gentleman is ignorant of the fact that the attorney general produced the original list that was revised by Judge Ryan which showed that Mr Campbell was entirely wrong and Mr Campbell apologized.

Mr CARVELL. I will not apologize. I will state that two nights before, the attorney general brought down a detachment sheet and handed it round among the members but he did not produce the original document except that one sheet which he passed round among his friends, and my hon friend (Mr Roche) knows it.

Mr W J ROCHE. I rise to a point of order. The hon gentleman is quite wrong in saying that the Attorney General did not pass around the correct document and that I know it. I say quite the contrary, that I know that the Attorney General produced the original voters' list signed by Judge Ryan.

Mr CARVELL. If the hon gentleman is right, why do they not bring down the original, and let the Liberal see it. I notice that when I get on to some thing pretty vicious, my hon friend always gets on his feet. Now, I have only this further to say, that I have no hesitation in voting for this Bill as it stands, though it does not go as far as I would like to see it go. I would like to see the principle of personal application entirely eliminated from every election law in the Dominion of Canada, except perhaps in cities and towns. I want to ask my hon friends from the east what they would think of asking that a farmer's son who has just come of age should be compelled to travel even five miles to a registration court to get his name put on the list? He would not do it. Compare this cumbersome system which the Conservative government of Manitoba have worked off on that province, with the simple system that prevails in any of the provinces of eastern Canada. For instance, in the province of New Brunswick, the two county councilors for a parish, which means the same thing as a township in other provinces, with a member appointed by the Government meet on or before the 10th of September, and they take any means of information they have—the voters' list of the year before, the oath of any one who comes before them, or their own knowledge—and they make up a preliminary voters' list, and post that for something like six weeks in three of the most conspicuous places in the locality. Then they give notice, that between the 20th and the 25th of October they will meet at a certain place to complete the list. They meet and if any one wants to have a name struck off or put on, he gives notice to

that effect. But this is never done; I do not believe there have been ten notices of this kind in ten years. They or other persons probably now every man in the parish, and if there is a name that should be on the list, they put it on, and if any man has moved away, they remove his name. Compare this simple, honest, inexpensive system with the system which the people of Manitoba are compelled to live under. I say again that I would like to see a commission of judges appointed to revise this list and eradicate from it as far as possible the principle of personal application. Surely in the rural portions of Manitoba the people themselves must know who are entitled to go on the list without compelling every labouring man or farmer's son to travel ten or fifteen or twenty miles to get his name put on the list. However, I am on offering this as a suggestion, and I hope the government will take it into consideration.

On the general principle of the Bill the instance of unfairness which I have given are enough to convince me at least, they have convinced the government, and I believe they have convinced the opposition, of the necessity of a fair revision and some change in the present law. When the great Conservative party, which the hon member for North Toronto told us last night was a party with a history, and that is true, and a party with a policy, and a party with a future, stand up in this House and say that by physical force they will stop the Supplies unless the government withdraw a Bill which is so fair that they offer to leave it to the county court judges to work it out, then I think this great party are carrying out their task with a vengeance. When they come to think the matter over, surely they do not want to be placed on record as refusing the fair and honourable offer made by the premier yesterday afternoon. If they take the responsibility of holding up Supplies and bringing upon this country all the consequences which that course will entail, that is for them to decide; but if they take that course, I do not think the Liberals of the Dominion of Canada will have very much cause to complain.

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Stanley Ritchie has gone to Kilburn to work his farm there.

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