

EARLY ELECTIONEERING IN CANADA

By NORMAN WARD

DEMOCRACY pays lip service to many fictions, and of these none is more tenacious or more nearly fictitious than that which assumes that a proper election must allow for an unsullied expression of the public's will. The member of parliament who is honestly elected, we feel instinctively, is certain to be a better representative than one returned by foul means—and this although the greatest days of Canadian expansion took place when electoral corruption was so common as to arouse little comment, especially from the victors. "Is not bribery the corner-stone of party government?" a leading Canadian jurist asked publicly a few years after Confederation; a majority of the House of Commons would for many decades have answered his question in the affirmative, for no serious attempts were made to subject elections to strict control until well after the worst period had passed.

A measure of the extent of electoral corruption in the decades which followed Confederation can be found in official papers. An astonishing number of trials of citizens accused of debauching the electorate were begun and, often because of further improper bargains, never brought into court; as many as one-third and more of the members of parliament sometimes found their seats jeopardized by petitions alleging that they had been elected by corrupt means; the House of Commons was occasionally obliged to have its standing committee on Privileges and Elections examine the exact circumstances under which one of its members had been returned; and frequently the House, in formal session, discussed at length the demoralizing and expensive nature of the prevailing electoral *mores*, although it is noteworthy that the two sides of the House rarely agreed in assigning responsibility anywhere. Each side more than once asserted that it had to resort to underhanded tactics because one must fight fire with fire, for the wickedness of their opponents forced honest men, with great reluctance, to use evil devices themselves so that the country would not be deprived of their services in parliament.

Electoral corruption was thus not only prevalent, but cumulative. It was also popular. The student who approaches Canada's electoral history from an ethical viewpoint has a depressing experience in store for him, for a reading of a few court cases and official investigations establishes beyond reasonable

doubt that, however chaotic a particular election might have been, almost everybody there had a good time, and possibly made a profit into the bargain. In the days before the automobile, the theatre, the juke box, and the jitterbug, an election was indeed one of the great festivals observed by a community, often combining the various characteristics of the joust-at-arms, the country dance, and the bacchanal. Few things have wrought greater changes in the nature of modern democratic politics than the rise of alternative sources of entertainment, for political organization—the very basis of popular government in our day—is becoming increasingly difficult to maintain at the lower level where the parties have so little to offer in competition with the dance orchestra and the internal combustion engine. A young Canadian today might well feel not unlike a certain henchman of a great American political boss who found to his disgust that, despite his years of loyal party service, recent reforms in the civil service meant that his application for a lucrative position was being overlooked in favour of one from a non-partisan gentleman whose sole qualification for the work was that he knew how to do it. “Why should I keep on being patriotic?” cried the disappointed one. “What is there in it for me?”

This same materialistic spirit was noticeable in scores of Canadian constituencies in days gone by. At no time did we suffer a shortage of citizens who were not only willing to vote but also, for a consideration, to vote in a certain way and as often as possible. To many of these worthies, no moral problem was involved in accepting a bribe; that was simply the way elections were run, and the fact that the same parliamentarians, on whose behalf all the bribery went on, had made bribery illegal, could be set down to the well-known foolishness of all constituted authority. Witness the following evidence from a notorious and typical court case of the 1880's:

Q. And what did (the accused briber) say to you, or what did you say to him?

A. I just asked him for a couple of dollars.

Q. What did you want a couple of dollars for?

A. I just asked him.

Q. Why should he give you a couple of dollars?

A. I wanted to use it.

This elector, like many of his compatriots, revealed under oath an ignorance of ethical behaviour that betrayed a simplicity deeper than that which came from merely living in the Vic-

torian era. But some of his fellows had at least a certain rough sense of justice, for the same court case showed partisans trying to clothe bribery in a guise that was at once inoffensive and comparatively legal. "I cannot pay you any money Bill, for your vote," one active worker advised a voter, "but I will lend you some, and you needn't pay me back without you like." No money was being paid for bribes, another anxious *bribee* was told, but if a person cared to look, he might happen to find a few dollars under a buffalo robe in a certain buggy, or in a hole in the wall of so-and-so's barn. And according to testimony taken in open court, these and other miracles came to pass.

The extent to which electors would go in reconciling their consciences with the acceptance of bribes was nicely illustrated by other witnesses in this same case. Two candidates, Conservative Smith, and Liberal Campbell, were seeking a seat in Ottawa, and on the ballot their names appeared in alphabetical order. A Campbell man, interested in getting votes for his candidate without actually paying people for them, found a way out of his dilemma. Instead of bribing people to vote for Campbell, he got them to mark only the candidate whose name appeared at the top of the ballot. This innocent scheme was circumvented by an unscrupulous voter who, after having taken a couple of dollars, voted for the name at the top of the ballot only after turning the ballot around so that the candidates' names, upside down, put Smith's name at the top.

"Which was the top name?" a lawyer asked him in court.

"Archie Campbell; but when I turned it upside down it was

Mr. Smith."

"And you thought you were acting right there?"

"To my own conscience."

The conscience of this witness, by our standards, was something of a phenomenon, although in his day it does not appear to have been exceptional. After the election was over and Campbell returned as the victor, the witness who had accepted a bribe from the Campbell man in such a way as to do Campbell no good tried to blackmail his briber into giving him still more money, on pain of exposing the bribe with the consequent unseating of Campbell. The bribed witness, as was customary, was counting on avoiding all personal penalties by giving state evidence, and in countless cases of this kind it appears that Liberals took Conservative money, and *vice versa*, as a form of

insurance against having their opponents hold a seat for any longer than it took to prove that they had been elected with the use of bribery. That early Canadian parliaments had as much stability as they had can be attributed largely to the practice called the saw-off, by which, instead of tolerating the unseating of all the members against whom bribery could be proven, the two parties would get together and pair off the constituencies in a trading operation, one Liberal for one Conservative, so that actual unseatings were kept to a minimum.

Rioting, too, was far from uncommon. In the case referred to above, a minor riot late on polling day resulted in the smashing of the Liberal clubrooms and the theft of all the Liberals' records connected with the election. Later on, during the trial, the absence of Liberal records stood that party in such good stead that the suspicion arose that the Liberals had wrecked their own establishment. Another riot, of more generous proportions, once occurred in the Quebec constituency of Kamouraska, and was so successful that no election could be held at all.

For some years after Confederation, politicians in Quebec and Ontario could sit in both the provincial assembly and the federal parliament, and occasionally sessions of one body were adjourned to allow members to attend meetings of the other. Elections for the provincial and federal parliaments were sometimes held on the same day, with the same candidates seeking election to both places. In Kamouraska, two gentlemen named Pelletier and Chapais contested the local seat in 1867, and Chapais also sought the federal, for which he was unopposed. Since Chapais was thus certain to win one of the two seats, Pelletier's party not unnaturally suggested that he leave Pelletier the local and thus avoid the trouble and expense of an election. Chapais wanted both, however, because he was sure he could win them. In this he was perhaps correct, for a witness later deposed that he had overheard the constituency's returning officer, long before the election, boasting that he had Chapais' election in his pocket.

The returning officer, one Garon, was Registrar of Kamouraska county, and an experienced official who had taken part in many elections, although his conduct in 1867 indicates that his experience had not taught him much. For years he had conducted the elections in the open air, on hustings—a platform twelve feet by four—built out from the gallery of the Sacristy of the village church. Until 1874, when the secret

ballot was adopted in Canada, the election consisted of nothing more than a show of hands. A variant of the usual procedure was apparently contemplated for the 1867 election, for Garon had caused a fence to be constructed around the hustings, while access to the hustings could be made only through a door which could be securely bolted. In effect, as Pelletier's partisans were not slow to point out later, the hustings looked suspiciously like a small fort.

As a fort, the hustings had been badly built, for Garon had barely reached them on polling day when an assault resulted in their ruin. An elector named Lafrance tore the hustings apart with his bare hands; the official documents were snatched from Garon, and he was "immediately precipitated from the gallery" by two electors who proceeded to maul him. A full-scale riot ensued, in which the eight special constables sworn in for the election were of impressively little use, for they devoted their time to keeping out of the riot. The returning officer had a humiliating experience. "When I was dragged away, after I was thrown down from the sacristy", he said later, "through the yelling and vociferating mob, I am not conscious that I was struck, but in my agitated state I may have been struck without noticing it . . . and from my feelings next morning, at the back of my head, I am convinced that I had a few blows." It is possible that Garon exaggerated, or that the translation of his evidence from the French has distorted his meaning, for a member of the anti-Garon faction described the riot in less lurid terms. "Garon was pushed down from the hustings," he said, "and escorted to his home."

Some of the escorts stayed to stone the Garon home, and Mrs. Garon, who was confined therein in what was twice described in the official documents as a "very delicate situation", feared for her safety and that of her four children. Several windows and shutters were broken, and one or two wounded from the election proceedings outside were taken into the house to await the arrival of their next of kin. Repeated requests were made that Garon come out to be disembowelled ("Come out till we gut you," were the actual words offered in evidence) but Garon, having tried to do his duty and failed, stayed indoors. Elsewhere in the constituency, some of the supporters of both candidates, who, after the destruction of the hustings had conceived the notion of holding the election in another place, were hastening to the home of a well-known citizen; one group was intent on getting there first to hold a hasty election that

ould elect their man by acclamation and the others were hastening to prevent this highly illegal event from taking place. Although the former partisans apparently had the official documents that would have given to their unofficial election the semblance of legality, the other group was more successful, for no election was held anywhere in Kamouraska that day. Several enjoyable skirmishes occurred, and many heads were broken by stones, cordwood, and axe-handles that somebody had thoughtfully brought along, but none of this activity produced a member for either the House of Commons or the Quebec legislative assembly.

The cause of the Kamouraska riot, like that of many election riots, was straightforward enough. Pelletier's supporters believed, and rightly, that Garon had deliberately disfranchised several parishes by the simple act of rejecting on a technicality the voters' lists that would have allowed their citizens to vote, and it happened that the affected areas were solidly for Pelletier. The grounds on which the lists were rejected—that they were not duplicates, as the law required, but only copies—rested on a distinction so fine that not even the House of Commons, accustomed though it was to hair-splitting, could discover what it was. Garon was, in addition, a relative of the candidate Chapais. As if that were not enough, Garon had also aroused suspicion as to his competence by publishing an election proclamation which contained a serious error, and had to be rescinded by a second proclamation setting the first one right. He had unwisely—and for a joke, he said—marched his cow from her barn to her pasture by a roundabout route that took her through most of the riding, carrying the election colours of the Chapais party on her horns, and those of Pelletier on her tail. As soon as he heard that Pelletier's people had taken offence at this jocularly, Garon said, he had removed the ribbons from the cow's tail; but not before some strong men had begun to think that possibly he was, as an election official, something less than completely impartial. As an election official, he was, as a matter of fact, in this regard fairly typical of the '70's and '80's.

Neither Chapais nor Pelletier saw the decorated cow, nor even much of the riot. Both of them admitted that they had expected a certain amount of trouble but, as Chapais said, nothing out of the ordinary—"A few fisty-cuffs, that's all." When the riot began, Chapais prudently stepped behind a convenient building, partly to avoid being a witness in what was

certain to produce an unpleasant investigation. Pelletier, whose supporters were generally credited with having started the fighting, could not be persuaded to admit that there had been a riot at all; he did all he could, he said, to keep his men from returning the dastardly blows struck by the opposite side. Both Chapais and Pelletier lived to enjoy careers as politicians, but Garon's days as a returning officer ended when the House of Commons decided that he had committed "grave irregularities" to such an extent that his conduct was calculated to arouse "distrust and dissatisfaction."

That fatuous understatement was typical of the official attitude taken towards Canadian electioneering for many years after 1867. It was not confined to the House of Commons, for a judge in the Ontario Court of Appeals included in a judgment in 1887 the following remarkable conclusion: "There is reason to believe that corrupt practices have prevailed extensively at the said election. I am not, however, of opinion . . . that further enquiry as to whether corrupt practices had prevailed extensively is desirable, by which term I understand likely to prove useful or effectual". Everybody knew what was going on, in short, and everybody agreed that there was no point in trying to do much about it. Besides, everybody liked it.

Player's Please always

Mild or Medium

**PLAIN and
CORK TIP**

