

the substance of the hon. member's amendment providing for an appeal, some other slight changes must be made; but that is no reason for throwing up the whole thing as unworkable. The Bill was drafted on the theory that there was to be no appeal. Now there is to be an appeal, and the hon. member for Bellechasse is quite right in saying that the judge's report must be delayed, where there is an appeal, at any rate.

Mr. AMYOT. I do not ask that the Bill should be thrown out. The hon. mover knows that I am in sympathy with its objects; but I want it to be workable and to do no injustice to individuals. I would suggest that the appeal should be to the ordinary courts of appeal in criminal matters. That would be much more practicable. In the province of Quebec the appeal court in criminal matters is composed of five judges, and as the liberty of the subject is concerned here, I do not think it would be right to allow the appeal to be limited to the Court of Review, which is composed of but three judges.

Mr. COATSWORTH. Does the Court of Appeal in Quebec require the appeal books to be printed? That is required in Ontario, and it would entail very great expense.

Mr. AMYOT. I do not think it is required in criminal matters either in Quebec or Ontario.

Mr. MASSON. So far as Ontario is concerned the court is not properly named in the amendment. We have no court of the name of the Divisional Court in the province of Ontario. We have the Supreme Court of Judicature, which is divided into the Court of Appeal and the High Court. The High Court again has three divisions—the Queen's Bench, the Chancery and the Common Pleas.

Mr. FORBES. If the mover of the Bill is willing to consent that an appeal shall be granted from the trial judge, I think this section should stand. It is very imperfectly drawn, and it will not suit us in the province of Nova Scotia or in any of the Maritime Provinces. And we have already a protest from those who know about the matter of appeals in the province of Ontario, so that I fancy the section would have to be re-drafted, and I would suggest that the promoter of the Bill let the section stand.

Mr. WELDON. The select committee were of opinion that an appeal would not be necessary. For my part, I have no feeling in the matter, and if it be thought that the parties complained against should have an appeal, I have no objection to giving it. But to make the appeal work smoothly, a trifling change would be required in section 13, which can be done on the third reading. The amendment of the hon. gentleman will be found unworkable. He says that the appeal should date thirty

days from the publication in the 'Canada Gazette.' The publication of what?

Mr. JEANNOTTE. I understand that the judge will make a report and the Secretary of State, under section 13, will publish it in the 'Canada Gazette,' and that it is only on a copy thereof being furnished to the revising officer of the electoral district, that the names will be struck off the list.

Mr. DICKEY. It seems to me a very unfortunate period to take to date an appeal from the publication in the 'Canada Gazette,' because then the damage is all done, and the voter is published to the world as a defaulter. If an appeal be given, it should be given immediately on the judgment of the court. I would suggest, as an amendment to the amendment, that:

From any finding or decision of a court or judge disfranchising any voter, such voter shall have the right to appeal:

(a.) In the province of Quebec, to the Court of Review;

(b.) In the province of Ontario, to one of the divisions of the High Court of Justice;

(c.) In the provinces of Nova Scotia, New Brunswick, Prince Edward Island, British Columbia, Manitoba and the North-west Territories, to the Supreme Court.

Such appeals shall have precedence over other business on the dockets of the court.

Mr. JEANNOTTE. That does not meet my view. The judge does not give any decision, but simply makes an inquiry and reports. He sends his report to the Secretary of State, and there is no disqualification until the Secretary of State publishes the notice in the 'Canada Official Gazette.' There is, therefore, no decision by the judge to appeal from, and there is no disqualification until the publication in the 'Canada Gazette,' and the names are not struck off the lists by the revising officer until he is forwarded a copy of the 'Gazette.'

Mr. DICKEY. Well, Mr. Chairman, I see that there is a great deal in what the hon. gentleman says. But I do not exactly agree with him as to the position of the court. I think that every man who is summoned there is a suitor before that court. He will be heard, the evidence against him will be heard, and the judge has got to make a finding.

Mr. JEANNOTTE. No.

Mr. DICKEY. I do not agree with the hon. gentleman. However, that is a matter of detail. This question of appeal is something introduced now for the first time, and we must go back and revise section 13. There is no doubt about that, but I ask the hon. gentleman himself if it is not very much better to make a man appeal from the finding of the judge rather than make him appeal from something in the 'Gazette'?