

On section 19,

Mr. JEANNOTTE. Before this clause is passed I have an amendment which I am sure will meet with the unanimous approval of the House. I am not very well acquainted with the procedure in the courts of the provinces other than Quebec, but from the information I have gathered, I have put my amendment in such a way as to meet with the requirements of the courts in the other provinces. My object is to allow the disfranchised voter to have an appeal, and I want that appeal to be as cheap as possible. I therefore move that section 19 be struck out and replaced by the following :—

The party disfranchised may appeal to the Court of Review of the province of Quebec, to the Divisional Court of the province of Ontario, to the Court of Appeal in the province of Manitoba and the North-west Territories, to the Supreme Court in the Maritime Provinces, within 30 days after the publication in the "Canada Official Gazette," by a simple inscription and for the smallest deposit required in such courts. Such court shall summarily and in last resort decide upon the merits of such appeal. Such cases shall have precedence in said court.

A voter might be disqualified who is innocent, and it would be unjust to deprive him of an opportunity to have the judgment rendered against him reversed. If he is willing to spend a small amount of money to inscribe his case in review for the purpose of having his civil rights restored to him, I do not see why he should be deprived of that right. In Quebec the Court of Review sits every month, and those cases would have precedence. I think that amendment ought to be carried. In support of this I may say, that in Montreal up to 1890, there was no appeal from the decision of commissioners who valued expropriated property on certain streets, and the parties in many cases had reason to complain of the awards made them. A proprietor on St. James Street, for instance, was awarded \$2 per foot for his land when its assessed value was \$5 or \$10 a foot, but yet he had no appeal then. In 1890 the corporation saw that injustice was being done and they applied to the Legislature of Quebec to allow appeals in these cases. Since then the decision of the commissioners has in many cases been reversed. This amendment is copied almost word for word from the law passed by the Quebec Legislature allowing appeal in those cases. There might be cases where a citizen would be deprived of his franchise, and it would be unjust that he should have no redress.

Mr. CHOQUETTE. (Translation.) I support the first part of the amendment, moved by the hon. member for L'Assomption (Mr. Jeannotte), but I think we have no power to legislate on the second part of it, that in which it is stated that such cases shall have precedence on the other cases before the court. That would have the effect of changing the code of procedure; now, all

Mr. JEANNOTTE.

that relates to the procedure before the courts is beyond the jurisdiction of this Parliament. As for the principle contained in the amendment, I am in favour of it, and I think it would be quite unfair not to give the disfranchised citizens the right to appeal.

Mr. CHARLTON. I think the proposal of the hon. gentleman is a reasonable one, that it is perfectly proper to have an appeal, and that great injustice might in some cases be done where an appeal was denied; and, as a friend of the Bill, I hope the promoter will accept the amendment.

Mr. FRASER. I think the wording of the amendment will need to be changed, as there is no Supreme Court in the Maritime Provinces.

Sir JOHN THOMPSON. I was suggesting that it should read: "in the other provinces."

Mr. WELDON. There is no objection to the spirit of the hon. member's amendment; I am perfectly willing to accept it. As has just been said, there are no Maritime Provinces known to the law, and the provinces would have to be particularly enumerated. But I suggest to the committee that under the power we have given in earlier sections of the Bill to the courts of the provinces to make rules, it may safely be left to those courts to make rules to regulate these appeals; and if the hon. member will abandon the latter part of his motion and put in its place some such words as these: "that the appeal shall be made under rules pursuant to section 7 of this Act," I think it will be more workable.

Mr. AMYOT. We must look to the general state of the Bill also. Clause 13 says that the judge shall make a report; it does not say when; but he will write the report, I suppose, and send it to the Secretary of State. When will the appeal be made? There is no harmony there; there is something lacking. I am afraid that the Bill, when we pass it, will have to be carefully examined by the venerable body that sits near us, and that it will be found to be not very practicable. The hon. mover might think over that. He says he has no objection to the appeal, but he wants the judge who tries the case, not the Court of Appeal, to report directly to the Secretary of State. The Secretary of State then publishes the report in the Official Gazette and sends a copy to the revising officer, and then there is an appeal. It seems to me to be rather late to have an appeal then.

Mr. WELDON. The hon. member surely does not mean to say that the legal ability in this Chamber is not equal to the task of making provision for that—that we are entirely helpless and must let the Bill as it is go to the other Chamber to be revised. Undoubtedly, if the committee accepts