

THE SENATE.

Ottawa, Wednesday, May 22, 1901.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

DISALLOWANCE OF QUEBEC LEGISLATION.

INQUIRY.

Hon. Mr. LANDRY rose to inquire :

1. Whether in the petition for disallowance presented by Monsieur G. A. Nantel, the attention of the government in general, or that of the Minister of Justice in particular, has been drawn to an Act passed at the last session of the legislature of Quebec, which reads as follows :—

(Translation.)

'An Act to amend the law respecting Controverted Elections.

'His Majesty, by and with the advice and consent of the legislature of Quebec, enacts as follows :—

'1. The Act 52 Victoria, chapter 11, is repealed.

'2. The following article is added after article 576 of the Revised Statutes :—

'576a. The hearing on the merits of every election petition now pending, or which may hereafter be pending, must have been commenced within the three months which have followed the publication, in virtue of article 213 of the Quebec Election Act, 1895, in the Quebec Official Gazette, of the notice by the Clerk of the Crown in Chancery of the election of the member, otherwise the petition shall be absolutely extinguished, lapsed, null and of no effect.

'3. Section 14 of the Act 59 Victoria, chapter 10 is repealed.

'4. Article 321 of the Electoral Act of Quebec is amended by substituting, in the second line, the word 'three' after the word 'six.'

'5. The repeal affected by section 3 of this Act and the amendment affected by section 4 shall apply to the elections which took place on 7th December, 1900, which are contested before the courts, and no member of the legislative assembly who has voted and sat in that assembly contrary to the provisions of the said section 14 shall incur any penalty for having so sat or voted, or for having omitted to take the oath in virtue of that Act, so repealed by section 3 being declared null and without effect.

'6. This Act shall come into force on the day of its sanction.'

2. Is the government aware that the result of such legislation is to deprive the elector of his right to obtain justice from the courts of his country upon election petitions regularly made before such courts?

3. Does the government know that by this same legislation the penal actions arising from the infringement of the electoral laws are declared lapsed and that the guilty parties are thus immorally relieved from the penalties which they have incurred?

4. Does the government know that in order to arrive at this result the Act in question restricts, as respects election petitions, the delays formerly granted by the law, and substitutes for them other delays, but delays which

have already lapsed, whilst it abrogates at the same time the right to prosecute for the payment of penalties incurred?

5. Does the government, moreover, know that a special and retroactive provision has been inserted in the Act in question, bringing under its immediate operation all pending electoral actions, thus depriving the petitioners in these actions, regularly brought before the courts, of the right to obtain the simplest justice, and robbing them without mercy of all the costs legitimately incurred by them in the exercise and the vindication of their rights?

6. Does the government know that the Lieutenant Governor of the province of Quebec deliberately and without hesitation, apparently at least, gave the royal assent to this measure for which his Prime Minister did not even dare to vote and against which his Attorney General registered his vote?

7. Is it the intention of the government, in case it should be convinced that such legislation is injurious to personal interests, makes a litter of acquired rights, knocks the common law on the head, and outrages public morality, to disallow this Act, or does it intend, by its non-intervention, to contribute to the maintenance of this predatory legislation?

8. If the government comes to the decision to disallow this Act, does it intend to do so in opportune time, in order to revive, before the expiration of the delays granted by the law which has been repealed, the rights of petitioners in actions entered before the election courts?

Hon. Mr. MILLS—My hon. friend has asked me whether I know, or whether the government knows, a great many things which he mentions in this inquiry. I do not know them. I have not read the petition. I understand that it came into my office yesterday, and I have had no opportunity of looking at it. But I have been informed—my hon. friend knows whether it is so or not—that this measure of which he complains, and upon which I have formed no opinion up to the present time, is one that received the support both of the opposition and a majority of members on the government side of the House. I understand there was a perfect concurrence of opinion, and if that was so, it is not difficult to understand the reason. I am not in a position to answer my hon. friend on a matter that I have not considered, and have had no opportunity of considering, and it would be an unusual proceeding for me to express an opinion upon a measure, even if I had carefully examined it, before I had advised the Governor in Council upon the subject. That I have not done, and have had no opportunity of doing up to the present moment.

Hon. Mr. DeBOUCHERVILLE—Do I understand the hon. Minister of Justice to say that this Bill received the unanimous ap-