

HOUSE OF COMMONS

Tuesday, November 26, 1867

The Speaker took the Chair at 3 o'clock.

BEAUHARNOIS ELECTION PETITION

On the question of receiving the petition against the return of Mr. Cayley for Beauharnois, objection was taken that the petition was presented on the 15th day of the session, instead of the 14th, as required by law. The question in doubt was whether the day of meeting, or the day on which his Excellency's speech was delivered, was the first day of the session.

Mr. Speaker **Cockburn** said this petition was presented on the 20th of November. The law requires election petitions to be presented on or before the 14th day of the session. The question here was whether the first day of session was the 6th November, the day of meeting, when His Excellency instructed the House to choose a Speaker, or the 7th November, when, in the Speech from the Throne, he told them for what purpose they had been called together. He considered that this was a point to be argued before the election committee, and therefore ruled that the petition be received.

Hon. Mr. Holton said that he had understood the Speaker to say that this was a question to be argued before the Select Committee appointed to try it. Might it rather not come up on the question of referring the petition to the General Election Committee. If this was not an election petition, why appoint a committee to try it?

Sir John A. Macdonald referred to the practice in England, that whenever there was a doubt as to the validity, or otherwise, of an election petition, it should go to an Election Committee.

Hon. Mr. Dorion thought the point should be decided by the House rather than a committee, in order that a precedent might be established to bind the House.

Hon. J. S. Macdonald and **Hon. Mr. Cartier** stated their impression that there was already extant a decision of the House on the question.

Hon. Mr. Howe suggested that as this was to be an economical Parliament, the second day of meeting should be counted the first day of the session, that the country might save one day's pay to members. (Laughter).

The petition was then received.

KENT (N.B.) ELECTION

On the question of receiving a petition against the return of Mr. Renaud, member for Kent (N.B.), which was presented on the 22nd November,

Mr. Smith read a clause from the Union Act, declaring that until otherwise provided, the laws in force in each Province previous to the Union relating to elections should be binding with reference to that Province. He stated there was no statute law in New Brunswick on this point; but there was a standing rule of the House requiring election petitions to be presented within the first fourteen days of the session, counting from the day of meeting. This petition was presented on the seventeenth day of the session, and therefore, he contended, could not be received.

Mr. Fisher argued that the rules of the New Brunswick House were not law, and therefore could not prevent the reception of this petition.

Mr. Johnson agreed that the rule of the New Brunswick House was not law, and contended that the House must fall back on the procedure of Canada and England, which would not allow the reception of the petition.

Hon. Mr. Cartier said, it was the duty of the House with respect to controverted elections, both with regard to receiving petitions and other proceedings, according to the rules of the several Provinces. According to the rules of the New Brunswick Legislature this petition to have been received should have been presented within fourteen days, therefore, the doubt raised regarding the other petition just discussed could not apply in this case. The question was, would this petition be received in the Legislative Assembly having been presented on the 17th day of the Session? Clearly not. Therefore it was the duty