

April 21, 1874

HOUSE OF COMMONS

Tuesday, April 21, 1874

The **SPEAKER** took the chair at 3 p.m.

Prayers

PETITIONS PRESENTED

Mr. DOMVILLE presented twenty-six petitions in favour of a prohibitory liquor law.

Petitions were presented to the same effect by Messrs. Cameron (Ontario South), Cook, Gillies, Gill, Harvey, Buell, Chisholm, Ross (Durham East), and others.

Mr. BURPEE (Sunbury) presented a petition from the Legislative Council and twenty-five members of the Legislative Assembly of New Brunswick, from two public meetings in St. John, and ten other petitions with about 1,100 signatures, to the same effect.

Mr. FERRIS presented petitions to the same effect, signed by more than 2,000 persons.

Petitions were presented for a bridge across the St. Lawrence at the Coteau; also, to incorporate the Provincial Steamship Company.

Mr. JONES (Leeds South) presented the petition of J.B. Wiser, Prescott, for a Prohibitory Liquor Law; also, for a new survey of the route of the Welland Canal.

Petitions in favour of increased protection were presented by **Messrs. NORRIS** and **SMITH (Peel)**.

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STANDING ORDERS

Mr. RYMAL presented the fourth report of the Committee on Standing Orders.

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CONTROVERTED ELECTIONS

Hon. Mr. FOURNIER introduced a Bill to amend the Controverted Election Law. In explaining the difference between the Bill and the present Act, he said the principal change was as to the constitution of the Court. Instead of the ordinary Courts being subject to the direction of the Lieutenant-Governor in regard to the trial of controverted elections, the Courts of the various Provinces were to be given jurisdiction as in ordinary cases before these Courts. (*Hear, hear.*)

They would thus not be Courts specially created for election trials, but they would, of course, be subject to the procedure enacted by the Bill, as to the presentation of petitions, and so on. They also proposed to make the cases to be tried before one judge.

He also proposed to make the defeated candidate liable to be petitioned against. At present the petition against the sitting member required only to be signed by an elector and the conduct of the defeated candidate was exempt from enquiry unless the seat were claimed for him. Great abuses might and did arise from that provision. The defeated candidate might himself have been guilty of acts of corruption equally as gross as those practised by the successful candidate, and if the latter were unseated the second election would be to all intents and purposes a "walk over" for the former. They, therefore, proposed to make the defeated liable to be petitioned against, and if found guilty of corruption declared disqualified to sit. This, he thought, would be a great means of preventing corruption and bribery.

Another feature in the new law, which had already been successfully introduced into Ontario, related to the examination of parties before the trial was proceeded with. It was calculated that it would be of great advantage to arrive at the facts before the trial; and in fact it would be the means of preventing many cases from proceeding, as it was very well known the tendency of both parties to a contest was to exaggerate the expenses of their opponents, and a preliminary examination would tend to clear away doubts which might exist upon those grounds. The production of documents, which might be useful in evidence in the case, before the trial was also provided for, and also that a candidate might be examined as a witness. It was also provided that an examination might be appointed by the Judge to take evidence, and directions were given as to what use might be made of such evidence in the case.

Trial might be made before a single Judge, which was strictly the case in Ontario already, and in all the other Provinces in the Dominion except Quebec. He explained the system upon which the Courts of Quebec were constituted. The Bill provided for an appeal on questions of law to a higher Court in all the Provinces except Quebec, but not on a question of fact. In Quebec, however, the Courts at present provided for an appeal to the Superior Courts on questions of fact as well as of law. He proposed to continue that system under the new election law in regard to that particular Province. There were several other minor changes proposed in the Bill, but these were the principal features. He moved the first reading of the Bill. (*Cheers.*)

Right Hon. Sir JOHN A. MACDONALD said some of the amendments were extremely praiseworthy, and deserving of the consideration of the House. It would be within the recollection of those hon. members who were present last session what reasons induced him, as the introducer of the last bill, to require that the sense of the local Government should be obtained before imposing the duty on Provincial Judges. He did not know what was the action of some of the Provincial Governments in this respect, and he would therefore ask the hon. gentleman at the head of the Government, before the bill was read a second time, if he would be