

Amendment negatived on the following division:—

YEA:

Messieurs

Armstrong,	Forbes,	Paterson (Brant).
Auger,	Geoffrion,	Ray,
Bernier,	Gillmor,	Rinfret,
Burpee,	Holton,	Somerville (Brant),
Cameron (Huron),	Innes,	Somerville (Bruce),
Cameron (Middlesex),	Irvine,	Springer,
Campbell (Renfrew),	Langelier,	Sutherland (Oxford).
Cartwright,	Laurier,	Trow,
Casgrain,	Lister,	Vail,
Catudal,	Livingston,	Watson,
De St. Georges,	McCrane,	Weldon,
Fairbank,	Mills,	Wells.—38.
Fisher,	Mulock,	

NAYS:

Messieurs.

Abbott,	Ferguson (L'ds & Gren.),	McNeill,
Allison,	Fortin,	Massue,
Bain (Soulanges),	Foster,	Moffat,
Baker (Victoria),	Girouard,	Orton,
Barnard,	Gordon,	Paint,
Beaty,	Grandbois,	Pinsonneault,
Bell,	Guillet,	Pruyn,
Benoit,	Hackett,	Robertson (Hamilton),
Bergeron,	Hesson,	Robertson (Hastings),
Billy,	Hickey,	Royal,
Blondeau,	Homer,	Small,
Bowell,	Jamieson,	Smyth,
Campbell (Victoria),	Jenkins,	Sproule,
Carling,	Kaulbach,	Stairs,
Caron,	Kilvert,	Taschereau,
Colby,	Kranz,	Tassé,
Costigan,	Labrosse,	Taylor,
Coughlin,	Landry (Kent),	Townshend,
Curran,	Landry (Montmagny),	Tupper,
Outhbert,	Langevin,	Vanasse,
Daly,	Lesage,	Wallace (Albert),
Daoust,	Macdonald (King's),	Wallace (York),
Dawson,	Macdonald (Sir John),	White (Cardwell),
Dessaulniers (Maskinonge),	Mackintosh,	White (Hastings),
Dessaulniers (St. M'rice),	McMillan (Vaudreuil),	White (Renfrew),
Dickinson,	McCallum,	Wigle,
Dodd,	McDougall (Pictou),	Wood (Brockville),
Dugas,	McDougall (O. Breton),	Wood (Westmoreland),
Farrow,	McLellan,	Woodworth.—87.

Mr. CAMERON (Huron). I desire to move an amendment which I discussed in Committee of the Whole. It is permitting an appeal from the adjudication of the revising officer, and is substantially the proposition which the First Minister submitted in the Bill as originally introduced into the House. Under this Bill, where the revising officer is not a judge there is an appeal to the county court judge, but there is no appeal beyond that. I propose, by this amendment, that there shall be an appeal from the adjudication of the judge of the county court, or the judge of the Superior Court, as the case may be, when he is the revising officer or the judge in appeal. I think the amendment is of the first possible importance. It is the law in England, and I think it ought to be the law here. The proposition that the First Minister has submitted to Parliament in this Bill is that where the revising officer is not the judge there shall be an appeal to the judge, but where the revising officer is the judge there shall be no appeal from his decision. We know that under this Bill important and difficult questions of law are likely to arise, and I think it is of the first consequence that we should have the law properly settled. In my amendment, I propose that there shall be an appeal from the adjudication of the judge to a Superior Court. The amendment covers the whole propositions contained in the original Bill introduced by the First Minister, together with the necessary machinery for working it out. I beg leave to move, in amendment:

That the Bill be referred back to the committee, for the purpose of adding to section 47 the following sub-sections:—

(a.) Any person or persons who, under the foregoing sections, shall have made complaint, according to the practice therein provided for in respect of the list of voters in any polling district, with respect to the final revision thereof, whether such list be the first or any subsequent voters' list for the polling district, prepared under this Act, or any person or persons, with reference to whom such complaint was made, who

shall be dissatisfied with the decision on any point of law of the revising officer or the judge in appeal, in respect of such complaint, may give to the revising officer or such judge, within seven days after the day of such decision, notice in writing of his desire to appeal to a superior court from such decision, stating shortly in such notice the decision complained of and his reasons for appealing against it; and the revising officer or such judge shall, as soon as he conveniently can do so, state, in the form of a special case, the facts established according to his opinion by the evidence, and necessary to be laid before the court above in order to determine the said point of law; also his own decision on the same, as nearly as may be, according to the form and practice provided for the stating and hearing of a special case in the court intended to be appealed to, and he shall then sign the same as revising officer or such judge, and shall require the appellant, or his counsel or agent, after reading the same to him, to sign a declaration at the end of such special case in the words: 'I appeal from the above decision;' after which the revising officer or judge shall endorse the said case with the names of the parties, appellant and respondent, if there be a respondent or party desiring to maintain the decision appealed from, and the number of the polling district, and the name of the electoral district thereby affected, and shall deliver to such appellant, or his counsel or agent, a certified copy of such case, and, also, if required, to the respondent, or his counsel or agent.

(b.) No such appeal shall be allowed or entertained against any decision of the revising officer or judge upon any matter of fact, or the admission or rejection of evidence adduced or offered on any matter of fact, but the appeal shall be allowed only on some point or points of law, as before mentioned. With the consent of the revising officer or judge, any number of persons desiring to appeal on the same point or points of law may be joined in the same statement of case, making it one appeal.

(c.) The appeal shall be in the form of a petition to the court, accompanying the statement of the case, certified by the revising officer or judge, and praying that the voters' list in question may be amended by the insertion or omission of the name or names alleged to be wrongfully omitted or inserted, or otherwise, as the case may be, and shall be presented on behalf of the appellant, at the next sitting of the court appealed to, after the expiration of the said notice of appeal, by any barrister or advocate practising therein.

(d.) A copy of the petition must, at least four days before such presentation, have been served upon the revising officer or judge, and upon the party in whose favor the decision appealed from was given, with a notice of the time and place at which the petition will be presented, such service being made in the manner prescribed in any ordinary case of summons to appear before such court in civil cases or in any other manner prescribed by any rule made by any court in that behalf under this Act. The revising officer or judge, and the opposing party (if any) may appear by any barrister or advocate practising in the court, upon whom any order made by the court in the case, or any notice or other proceeding therein, may be validly served.

(e.) If the petitioner or petitioners does not or do not appear on the day on which the petition is to be presented, or, appearing, withdraws or withdraw his or their petition, the case shall, on the application of the revising officer or judge, or any other party on whom the petition has been served, as aforesaid, be dismissed as respects such petitioner or petitioners, and the polling list shall, as to him or them, remain unaltered.

If the petitioner or petitioners appear, and neither the revising officer nor any other party aforesaid does so, or appearing, does not oppose the petition, the court shall order the polling list to be amended, as prayed for, and the revising officer shall amend it accordingly.

But if the petition be opposed by the revising officer or other party aforesaid (if any), then appearing, the court shall appoint a convenient time and place at which the case shall be heard by some judge of the court, who shall hear and decide the same summarily, and without being bound by any technical rules of proceeding; such decision shall be subject to no appeal, and shall be notified in such manner as the court may direct to the revising officer, who shall obey the same and shall amend the polling list or leave it unaltered accordingly.

Provided always, that the court may, if it be of opinion that the case submitted is not sufficient to enable it to give judgment in law, remit the case to the revising officer to be more fully stated.

The court may award costs to or against any party in the case.

The court, or the judges thereof having by law power to make rules of practice for proceedings therein, shall (subject to the provision hereinafter made as to the Province of Quebec) have power to make rules of practice for appeals under this Act, and a tariff of costs and fees on such proceedings respectively, and to alter the same; but if and so long as no such special rule or tariff shall be in force and applicable to any appeal under this Act, the court or judges shall cause the proceedings for which no such special provision is made to be conducted in such manner as they may deem best adapted for doing substantial justice to all parties, and shall allow such costs as they may deem reasonable; and the court deciding the case in appeal shall, in its order on that behalf, direct by what party the costs on any or all the proceedings shall be paid, and they shall be subject to taxation, as in other cases in the court, and recoverable in like manner.

(f.) The appeal, in the Province of Ontario, shall be to any of the divisional courts of the High Court of Justice for that Province, or to any one or more of the judges thereof, sitting at such court,—in the Province of Manitoba to the Court of Queen's Bench for Manitoba,—in the Provinces of Nova Scotia, New Brunswick, Prince Edward Island and British Columbia, to the Supreme Court of each of such Provinces respectively, —and in the Province of Quebec to the Superior Court at the city of Quebec, if the polling district in question be in any of the districts of Quebec, Three Rivers, Saguenay, Chicoutimi, Gaspé, Rimouski, Kamou