

Mr. JEANNOTTE. I would advise the hon. gentleman to change that part which says that the appeal shall be made according to section 7, for the judge who hears the appeal will not be the same judge as the judge who hears the enquête. They have their rules, and you cannot change those rules, for they are under the authority of the provinces, and the Federal power has nothing to do with the rules of any civil court in any province. I think you had better leave that to the court.

Mr. DAVIES (P.E.I.) I think that if we determine to adopt the principle suggested by the hon. gentleman from L'Assomption (Mr. Jeannotte) and allow an appeal to those parties who are disqualified, we cannot carry either the amendment suggested by that hon. gentleman, or the one suggested by my hon. friend from Cumberland (Mr. Dickey) unless we go back and amend the previous sections of the Bill. There is no doubt a great deal in what the hon. gentleman says, that there is no finding of the judge below, and so there is nothing to appeal from. It is provided that the judge shall report to the Secretary of State, but no time for sending in that report is mentioned. If we are to allow an appeal before the judge reports, you will have to amend the 13th section, for the form of the appeal will depend upon the nature of that amendment. As the section stands, you cannot frame an intelligent amendment at all. The proposal to allow an appeal seems to meet with general concurrence. I would suggest to the hon. member for Albert (Mr. Weldon) that, if he finds it necessary to go back to the previous part of the Bill and amend it, this should be done now, and then let the new section, providing for an appeal, come in.

Mr. WELDON. If the committee will agree, I think we could pass this section. The amendment of my hon. friend from Cumberland seems to me more likely to work smoothly than the amendment of my hon. friend from L'Assomption. If the committee would agree to carry this and the next two sections, in a very few minutes we could come back and make the other section suit the case of an appeal. I think there would be no difficulty in that.

Mr. JEANNOTTE. I would suggest that the hon. gentleman suspend the reading of the Bill until eight o'clock, by which time he can have the necessary amendments prepared.

Mr. WELDON. I do not think that is necessary.

Mr. DAVIES (P.E.I.) I think my hon. friend from Albert will see that the amendment will require a little consideration. As it reads now, it would be absolutely unworkable. You speak of the provinces of Nova Scotia and New Brunswick, Prince Edward Island, British Columbia, and the

Mr. DICKEY.

North-west Territories as though there was a Supreme Court for those provinces. The clause would need to be amended so as to provide for the appeal to the Supreme Court in each province. That is a matter of phraseology. But I think the hon. gentleman will see that there are other matters to be provided for; for instance, the time within which the appeal must be taken. It should be a very limited time, say within five or six days. Then the nature and method of the appeal must be provided for. This should be by giving notice.

Mr. DICKEY. That would be a matter of the rules of court.

Mr. DAVIES (P.E.I.) It is very unsatisfactory to leave these matters to the judges. If we are to have an appeal, the method should be simple, say by giving notice within a certain time. The decision of the judge in appeal should be on the evidence taken in the lower court. There is nothing in the amendment to provide that the judge shall report the evidence with his finding. I think the suggestion of my hon. friend from L'Assomption is a very good one—that the hon. gentleman should take an hour to look over this question of appeal, and draft the necessary amendments. As it is now, you are putting the committee into a very awkward situation by asking them to vote. Merely to insert this clause would make the Bill ridiculous, unless section 13 is previously amended. An appeal would be totally unworkable in the present condition of the Bill. The Bill ought first to be put into a condition that an appeal can be framed from some finding which the judge is bound to deliver.

Mr. WELDON. I do not at all agree with the hon. gentleman's suggestion that we work out here an elaborate procedure for each province. I think the proposal submitted by the hon. member for Cumberland is much more workable, namely: to leave this point of the working out of the procedure to the courts of the different provinces. We cannot do it as well here as they can, even if we had all the rest of the session. I differ from the hon. member strongly in that regard. We know very well that clause 13 wants an amendment, and I think in two minutes I can suggest two or three words that the hon. member himself will admit will cure the whole difficulty. All we want is that there shall be some finding to appeal from: then we want furthermore to say that in the case of those voters who have made an appeal, their names shall not be reported on until the appeal is disposed of. It seems to me that only a very slight change needs to be made.

Mr. DAVIES (P.E.I.) Supposing an inquiry is being held, and 50 or 60 men are being tried. The judge receives evidence, he himself may not make up his mind, and after the men have gone to their homes, judgment