

April 20, 1874

HOUSE OF COMMONS

Monday, April 20, 1874

The **SPEAKER** took the chair at 3.00 p.m.

Prayers

RETURNS

The **SPEAKER** submitted returns of a number of banks and the annual statement of the Montreal Life Assurance Company of Canada, and a supplementary return of the district of Beauharnois for 1872-1873.

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PETITIONS PRESENTED

Several petitions were presented in favour of prohibition, and as many against. Among them were the following:—By **Mr. COOK** from several inhabitants of Toronto, against a prohibitory liquor law; by **Mr. O'DONOHUE** from 190 inhabitants of Toronto to the same effect; by **Mr. BLAIN** from some inhabitants of York West for, and from 170 against it, by **Mr. MacLENNAN** against; by **Mr. METCALFE** from Yorkville, from W. Crompton and 83 others, and H.W. Manning and 88 others in favour; by **Mr. NORRIS** from 104 for and 156 from St. Catharines and 194 from the county of Lincoln against a prohibitory liquor law.

Among petitions favouring a prohibitory liquor law was a large number from the French parishes of the Province of Quebec.

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INCORPORATION AMENDMENTS

Mr. JETTÉ presented a petition for amendments to certain Acts of incorporation.

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THE WELLAND CANAL

Mr. BIGGAR presented a petition from vessel owners asking for a commission to enquire into the subject of the best entrance to the Welland Canal at the Lake Erie terminus.

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RETURNS

Hon. Mr. DORION laid on the table the following returns:—Copies of all Orders in Council, and correspondence between the Imperial Government, the Canadian Government and any of the Provincial Governments since March, 1873, on the subject of

provincial legislation; also a return of the Convictions for Capital Offenses since 1st July 1870.

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THE GASPÉ ELECTION

Mr. TASCHEREAU presented the petition of Mr. LeBouthill against the election and return of Mr. George Harper for the District of Gaspé, he being at the same time Returning Officer.

Mr. KIRKPATRICK held that it was an election petition, and therefore did not come within the jurisdiction of the House. He submitted that, according to the practice of the House of Commons in England, it ought to be withdrawn, and he asked the House to order the Clerk of the Crown in Chancery to lay the returns on the table. Fourteen days were allowed for presenting the petitions to the House and thirty days for the presentation of petitions to the proper Courts, and therefore, he did not know whether or not the return complained of in the petition was to be tried before an Election Court, but, according to the practice in the English House of Commons, it was impossible for the House to proceed in a petition of this nature if Courts of election were established.

He cited the case of Brodeur in 1854, where the Returning Officer elected himself, no petition having been presented to the House at all, when it was ordered that the Clerk of the Crown in Chancery should attend with the papers and the House declared the seat vacant; and he suggested that they should act in a similar way, and that they should withdraw the petition; for, if they were once to allow this petition in the nature of an election petition to be presented, they would be establishing a dangerous precedent.

Mr. TASCHEREAU said that a very important document—the protest served at the nominations—had not been found by the Returning Officer, and he would suggest that the petition be referred to the Committee on Privileges and Elections. He thought that the hon. gentleman should not prejudice the House against the petition but allow it to go before that Committee, where it could be discussed at length.

Hon. Mr. DORION remarked that when petitions were not compiled in the form required by law they were thrown out. They had no trial of contested elections before the House; but he did not think the petition was an election petition. Although an elector or a candidate should send a petition that should resemble an election petition it should not necessarily be thrown out if it does not. They should be very careful how they proceeded where there was a tribunal for the purpose of trying elections, and the House should only interpose where there was a question of interfering with the privileges of the House.