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No. 200.

4th Session, 6th Parliament, 24 Victoria, 1861

BILL.

An Act to amend Chapter Seven of the Consolidated Statutes of Canada, respecting Controverted Parliamentary Elections.

Received and read, first time, Thursday,
18th April, 1861.

Second reading, Monday, 22nd April,
1861.

Mr. WILSON.

QUEBEC:

PRINTED BY THOMPSON, HUNTER & CO.,
ST. URSULE STREET.

An Act to amend chapter seven of the Consolidated Statutes of Canada, respecting Controverted Parliamentary Elections.

WHEREAS great injustice is often done, and the very end of the said Election Act is frequently defeated by the unnecessary precision required in the Election Petition and other proceedings therein or connected therewith, and by the rigorous construction which is placed upon the same : Therefore Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :—

Preamble.

1. In no case shall any frivolous, technical or formal objection be allowed to be taken, or be entertained if taken, to any such Election Petition or proceeding as aforesaid. Formal objections not allowed.
2. Every such Petition and other proceeding shall, if it be not wholly invalid in law, be deemed to be sufficient under the said Act, if it expresses the substance of that which it is required to contain. What shall be a sufficient Petition, etc.
3. The most favourable interpretation shall be placed upon every Petition or other proceeding, for the purpose of maintaining, if possible, the sufficiency and regularity thereof. To be interpreted favorably.
4. In case any objection of substance is taken or found to the Petition or other proceeding, such Petition or proceeding shall not therefore be rejected or be held to be insufficient, but shall be allowed and ordered to be amended,—and such time (which may be extended if necessary) shall be granted for the purpose as may be reasonable. Amendment and time for amendment allowed.
5. In case the amendment is not made within the time allowed,—and it is made to appear to the House, Speaker or Committee before whom such Petition or other proceeding is pending, that the party to amend is wilfully neglecting or evading, or does not intend to make the same,—a decision or judgment shall then be given upon the validity or invalidity of the Petition or proceeding in point of law. If the amendment is not made.
6. Every Petition or proceeding endorsed by the Speaker of the House in or before which the same shall be or is pending, as sufficient, shall be held to be sufficient and valid in law to all intents, as the document and proceeding it purports to be, or to be in compliance with, under the said Statute. Speaker's endorsement of validity, sufficient.