

1269/17

COPY BY	<i>P. J. C.</i>
COMPARED	<i>P. J. C.</i>
DATE	<i>April 29, 1918</i>

CANADA

DEPARTMENT OF THE SECRETARY OF STATE.

To the Honourable Albert Sevigry,
Secretary of State of Canada.

Honourable Sir,

In compliance with the provisions of the Commission dated July 26th, 1917, under the Great Seal of Canada, appointing me a Commissioner to conduct an enquiry into the sufficiency of a petition of electors of the City of Quebec, in the Province of Quebec, praying that Part II of the Canada Temperance Act be brought into force in the said city, I beg leave to report that I proceeded to Quebec and on Monday, July 30th, 1917, I opened an enquiry with the assistance of Mr. Aime Dion, K.C., of Quebec as Counsel and Mr. Henri Auguste Sirois as Clerk, in the present of Mr. Paul Lacoste, K.C., of Montreal and Mr. Charles Fremont, both representing the anti-prohibitioners and Mr. Adjustor Rivard, K.C., of Quebec, for the prohibitioners.

At the opening of the session, at the Court house of the City of Quebec, my Commission was read and Mr. P. Lacoste moved a motion for the adjournment to the morrow, in order to have more time to communication with his clients. There being no opposition from the other parties the motion was granted.

On Tuesday, July 31st, 1917, at 10 a.m., all parties being represented, I re-opened the enquete and I called on Mr. Paul Lacoste to produce his witnesses and proceed with the case. Mr. Lacoste contended that it was first to the prohibitioners to produce in court the witnesses who had taken the signatures shown in the petitions.

Mr. Rivard

Mr. Rivard for the prohibitioners contended on the contrary that the affidavits annexed to the petitions were complete in every detail, and they would have to stand as long as new witnesses were not protesting to the contrary. I supported Mr. Rivard's view. Mr. Laocoste made a declaration that in that case he could not proceed at once and moved a motion for a sixty days' delay to further examine the petitions themselves and prepare his defence. Mr. Rivard objected to that delay being granted and evoked the great prejudice his client would suffer if the case was postponed any longer.

I realized that the point was very important, the public having already had all the delay fixed by Section 8 (b) of the Temperance Act for examination of the petition, when on the other hand the Department had given until the 23rd July, 1917, for preparation of the defence. Moreover, I did not like to take upon myself to create the precedent and I preferred to adjourn sine die and report to you. I submit that the sixty days' delay should not be granted for the aforesaid reasons and before proceeding any further with the enquiry I would like to have your views on the question.

I have the honour to be,

Sir,

Your obedient servant,

(Sgd) Oscar Coderre.

Ottawa, August 6th, 1917.

TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL.

The undersigned has the honour to report that on or about the 2nd of May last, a petition was received from certain electors of the City of Quebec, in the Province of Quebec, praying that Part II of the Canada Temperance Act might be brought into force in that City and that the votes of all the electors of the City might be taken for and against the adoption of such petition.

That the petition appeared to satisfy the requirements of the Act both as to the number of signatures required and in respect of the evidence accompanying it; but declarations having been made by opponents of the petition alleging serious defects therein, the undersigned deemed it advisable to hold an enquiry under the Enquiries Act to determine definitely as to the sufficiency of the petition.

That Oscar Coderre, an officer of the Department of the Secretary of State, was accordingly commissioned by Your Excellency in Council upon the recommendation of the undersigned to conduct such enquiry, and has now made report to the undersigned of the proceedings thereat to the effect that the opponents of the petition without endeavoring to substantiate their allegations asked for a postponement of the enquiry for sixty days.

In consideration of such report and also of the fact that the opponents of the petition had already been allowed more than two months to produce evidence of the defects alleged, the undersigned is of the opinion that the issue of the Proclamation for a vote should no longer be delayed and he recommends that a Proclamation do issue accordingly appointing a day for taking the votes of the electors on the petition.

He further recommends that the Order-in-Council authorizing such Proclamation should authorize him to fix the day on which the poll for taking the votes of the electors for and against the petition shall be held and to name the Returning Officer for the purpose of taking on that day the votes of the electors and performing the other duties required by the statute; and to fix the place where and the day and hour when such Returning Officer shall appoint persons to attend at the various polling places or stations, and at the final summing up provided by the Act, and to fix the place where and the day and hour when the votes of the electors shall be summed up and the result of the polling declared.

All of which is respectfully submitted.

Acting Secretary of State.

Ottawa, 18th August, 1917.