

done I believe that Alberta coal can be transported to Ontario, and we can make a great national asset out of the coal we have in that province. I say to the Minister of the Interior again, that the problem of transporting Alberta coal is not a difficult one. The control of the mines in Alberta is a difficult matter. On that point the government must take its stand and it does not need a committee to supply it with the necessary evidence.

Motion agreed to.

PEACE RIVER ELECTION

RULING OF MR. SPEAKER ON PETITION ASKING THAT RETURN OF MR. KENNEDY BE DECLARED VOID

MR. SPEAKER: I am now ready to give my ruling on the point of order raised on Tuesday.

A petition has been presented to the House by James Arthur Collins praying that the House of Commons of Canada may determine and declare that Donald Macbeth Kennedy, of Waterhole, province of Alberta, was not duly elected and returned at the election held 29th of October, 1925; that his return is void; and that he the petitioner be declared duly elected and is entitled to be returned as the member for the electoral district of Peace River, in the House of Commons of Canada.

On the report of the Clerk of Petitions the Right Honourable W. L. Mackenzie King raised a point of order. He contends that said petition cannot be properly received by the House of Commons because the Peace River election has been protested and is still before the Supreme Court of Alberta, and that the parliament of Canada, by the Controverted Elections Act passed in 1873, which is now found in Ch. 7, R.S.C., 1906, has transferred to courts exclusive jurisdiction over matters relating to the election of its members.

A debate arising thereon, many rulings, precedents and authorities were cited on both sides of the House. The question is a very important one, and I have given its solution my most earnest consideration.

I have looked into the cases cited and I find that they do not all apply to this petition.

In the Queen's, N.B., case, the proceedings did not originate by a petition. The Clerk of the Crown in Chancery was ordered on the 14th of April, 1887, to attend on the next day with the return of the election, poll-books and other documents. He attended in accordance thereto on the next day. A motion was made by Mr. Skinner on April

28th, 1887, that the clerk of the crown amend his return by erasing the name of Mr. Baird and substituting that of Mr. King as the duly elected member for the constituency; and on amendment by Mr. Thompson the return and papers were referred to the committee on Privileges and Elections.

The same procedure was followed in the Brockville and West Huron cases. A motion was passed on the 6th of July, 1899, ordering the Clerk of the Crown in Chancery to attend at the table with all poll-books, voters' lists and other documents transmitted to him by the respective returning officers. He was in attendance on the next day and produced the papers. On motion of Mr.—now Sir—R. L. Borden, these papers were referred to the select standing committee on Privileges and Elections.

In the Nipissing case, Mr. Northrup moved on the 24th of April, 1901, in amendment to the motion for the Speaker to leave the chair for Supply, that the conduct of the returning officer be referred to the committee on Privileges and Elections. This amendment was voted down at the same sitting on a division of 51 to 94.

In the Coderre case, no petition was presented. Mr. Gauthier rose on a question of privilege and moved on the 17th of March, 1913, that certain allegations against the Secretary of State be referred to the standing committee on Privileges and Elections. The motion was defeated on a division of 53 to 87.

The only two cases which originated in the House by way of petitions are those of Gaspé and Richelieu. In the former, which came up in 1874, the petitioner, Horatio Le Boutillier, asked that the return for the election be amended by substituting his name for that of Louis George Harper, the sitting member. Speaker Anglin did not allow the petition to be received.

In the Richelieu case, Speaker Blanchet rendered a similar decision, supplementing it with the following remarks:

If the petition should be received it would then be competent for any member to move that it be referred to a committee; and if such a motion were agreed to, the various allegations in the petition would constitute the order of reference by which the committee would be governed in its proceedings. In this way, a door would be opened to the indiscriminate reception of petitions attacking generally the return of members, though not governed by any of those formalities necessary even in those times when the House possessed full jurisdiction over controverted elections. To grant the prayer of the petition, would be to violate the general principle which lies at the basis of all the legislation adopted by the English parliament since 1868, and by the Canadian parliament since 1873, that the court alone should adjudicate on matters of controverted elections.