

and he lost his seat but was not disqualified. The Judge in his return spoke of bribery being committed by some other party, and on a motion being made that the member be unseated some members of the House strongly objected on the ground that by implication the certificate of the Judge showed that the member ought to be disqualified. Some members of the House desired to take new action and go further than the Judge had done. The debate was exactly on a similar question to this: whether Parliament, after having divested itself of jurisdiction in the matter, ought to take cognizance of that case. I will read an extract from a very important book which has just been published, "Amos' Constitutional History," page 445:

"The question has arisen in the English House as to whether by assenting to the Act the House of Commons has for ever parted with its undoubted jurisdiction in cases of election petitions. Under the Act the Judges made their report to the House of Commons, and in the course of their report they are requested to state whether they believed that corrupt practices have extensively prevailed."

Now, under our own law, there are two means of unseating members. When bribery has prevailed in an election to such an extent as that the electors ought to be disfranchised, we have the necessary machinery as provided in 1876. Then a Commission may go on the spot and make enquiry; and if the enquiry corroborates the facts of the petition, further action may be taken to disfranchise the constituency. The work referred to goes on to say:

"On the presentation of this report it might be held to be competent for any member to propose, and for the House to take, any further steps which might commend themselves, without being further bound by the Act. But it would appear by the debate which took place in the House of Commons, February 9th, 1875, that it is no longer practically competent for the House of Commons to do other than carry out the logical results of the Reports of Elections' Judges. The sitting member for Stroud had been declared by the Election Judge not duly elected, but the Judge added, in a last paragraph of a long report, that he had no reason to believe that corrupt practices had extensively prevailed. On the proposition for issuing the new writ for Stroud being resisted in the face of the exculpatory report of the Election Judge. Mr. Disraeli, as Prime Minister and leader of the House of Commons, made a speech which derives some importance from the exactness with which it seems to have expressed the mind of the House. Mr. Disraeli said, in fact, that the House of Commons could not refuse to issue a writ for Stroud without abrogating the Election Petition Act, and, as he says, asserting the authority of the House, independently of the other estates of the realm. Referring to the Act itself, Mr. Disraeli says: In that Act there were certain powers given to the Judges which the House of Commons waived after ample discussion, after great thought, and with a due sense of the sacrifices they were making. If we were now to announce that, because the decision of a Judge acting under such authority does not please us we are to come to a decision contrary to that which, according to the provisions of the law, has been made public, I can only look upon it that if this motion were carried, the authority of that Act would be entirely superseded. I am not prepared, however, to supersede or abrogate that Act. \* \* \* I trust the House will not allow itself to deviate into a path so dangerous and difficult as the one that has been indicated, and which we have been recommended to pursue to-night. I am sure if we do we shall open up a scene of confusion which will not easily end, and no question of a contest will ever come before the House without some proposition being made so unconstitutional in its character that the result must be the degradation of the authority of Parliament, and the reduction of all our powers to make ourselves useful to the country."

Mr. Speaker, I rest the case on that important petition. This petition in fact is not a mere election petition. It is one of a class the jurisdiction over which this Parliament entirely divested itself by the Acts of 1873 and 1874, and we have nothing whatever to do with the means by which a member gets or keeps his seat.

Mr. LAURIER. My hon. friend has altogether mistaken the character of this petition. It is by no means an election petition. It is not even alleged that the hon. member for Richelieu has been guilty, either by himself or through his agents, of improper practices. It is alleged simply, that a petition was filed against him charging that his election had been tainted by corrupt practices, committed both by himself and by his agents.

Mr. MOUSSEAU. It is only alleged,

Mr. LAURIER. Yes; and that through a corrupt agreement entered into between himself and the petitioner, the investigation of these charges was waived. This is the gist of the allegation of the present petition. This petition is based upon peculiar facts, and is in itself of a peculiar nature. The allegations of the petitions are of such a nature as must command the very guarded action of the House. On the one hand, if the allegations of the petition were true, they would certainly constitute a serious charge against a member of this House. On the other hand, if they are true, it is manifest that the ends of justice have been defeated, and that the rights of the people, to be represented in this House according to the forms of law, have been jeopardized and actually set at naught. Personally I know absolutely nothing of the truth of the allegations made in this petition, and, in justice to the hon. member for Richelieu, I must say that until their truth has been established he must be held to be innocent of them all. On the other hand, I am informed that the petitioners whose names appear at the bottom of this petition are men of respectability, men of position and influence in their community, who would not make such assertions unless they had *prima facie* evidence that they are true. I take it, therefore, that this petition is purely judicial in its character, and ought to be dealt with in a purely judicial spirit, and with the full determination to administer the law without fear or favor, and to do justice to both parties. It may be well that I should state the allegations of this petition for the benefit of those members who have had no opportunity of becoming acquainted with them. At the last election the candidates were the present sitting member, Mr. Massue and Mr. Barthe, who had the honor of holding the seat in the previous Parliament now occupied by Mr. Massue. Mr. Massue was returned by the returning officer as elected, and in due course a petition was filed against him, charging him personally and his agents with corrupt practices. Though it is not material to the purpose of the present discussion, I may say that a counter-petition was filed against Mr. Barthe, charging him with corrupt practices, and asking for his disqualification. After divers desultory proceedings the case was set down for trial on the 24th November, 1879, and on that day, the Judge being present, a trial was gone over. Three witnesses were examined on the part of the petitioner—Mr. Massue, his son, and Mr. Massue's agent, Daniel McCarthy, each of whom, on oath, denied being guilty of corrupt practices; and there being no other witness the petition was dismissed. The judgment of the Court was as follows:—

"Whereas, the Petitioners, Jean Jacques Bruneau, *et al.*, have completely failed to prove the essential allegations in their petition, and, whereas, none of the illegal, corrupt practices alleged against the respondent, Louis Huet Massue, have been proved, but, on the contrary, the said Louis Huet Massue, his son, Louis Aimé Massue, and his agent, Daniel McCarthy, all three, have sworn that they did not commit, in relation to the said election and during the said election, any unlawful or corrupt act, and no evidence hath been offered: has set aside, and sets aside the said election petition with costs."

It would appear from the allegations of this petition now before the House, that this trial which took place on the 29th November, 1879, was not a true and genuine trial, but a mock trial—that it was nothing but a solemn judicial farce—to which the Judge was made an unconscious party. The petitioners allege that at the time this trial took place, a corrupt agreement, made for a money consideration, had been entered into between the petitioners and the respondent to the effect that the petition should be abandoned; but to prevent the public being informed of this agreement, and to prevent any elector coming forward and being substituted in lieu of the petitioners, it had been resolved between the petitioners and the respondent that the formality of a trial should be gone through, so that the respondent should hold his seat. That is the allegation of the petition. It must be borne in mind that this was not a private case; the petitioners were