

*Peace River Election*

void, that thereupon this House should await the decision of the tribunal to ascertain whether or not the present representative is entitled to his seat.

As a parliament I do not think we have the moral right to refuse any petition that is presented to us from any citizen. On the other hand, I think it is a matter for the committee on Privileges and Elections to decide whether that petition is sustained by facts and should be received. I quite appreciate the argument of the Minister of Customs and Excise (Mr. Boivin) that it would be ridiculous to have two trials, one before a court sitting in Alberta, the other before a committee of the House, to decide whether or not the constituency of Peace River is properly represented by the present member or should be represented by another gentleman. On the other hand, I think the procedure followed in some other cases of a similar nature which have been quoted this afternoon was proper.

It seems to me that we should receive the petition, and that it should be referred to the appropriate committee. At the same time not only the friends of the government sitting upon that committee but all the other members of it should bear in mind that parliament having put upon the statute books a law under which all matters relating to the election of members to the House of Commons must be dealt with by an impartial tribunal, before which witnesses can be summoned to give their testimony and the parties interested can present their argument, that tribunal is the proper authority to deal with the whole matter and not the committee. I realize that from a certain point of view it is an absurd situation, and I quite appreciate the attitude taken by the Prime Minister, who in effect said: What is the use of receiving a petition which parliament under the present law must leave to the proper tribunal for final decision? I admit the soundness of his reasoning. But on the other hand I cannot forget the basic fact that if we deny to any citizen the right to petition this House upon any grievance, whether well or ill founded, that he may have, it would mean renouncing one of the fundamental principles of our parliamentary system of government and of British liberty, and so far as I am concerned I am not prepared to vote for such a renunciation. As I have already said, I recognize that it brings us to the absurd situation that we should receive the petition because as a matter of right every citizen is entitled to present his grievances to this House, but at the same time we should take proper

[Mr. Bourassa.]

care that the committee to which that petition is referred, or the House itself pronouncing after that committee has reported, should not annul the position it has taken with regard to controverted elections.

Mr. MEIGHEN: Will the hon. member permit a question?

Mr. BOURASSA: Certainly.

Mr. MEIGHEN: If it is a fact that witnesses at an election trial cannot be compelled to give evidence as to how they voted, then would it be possible to have the question raised in this petition adjudicated upon at an election trial?

Mr. BOURASSA: I do not quite catch the point made by the right hon. gentleman. As I understand it, parliament thought fit, a good many years ago,—and rightly so, I think—not to divest itself of the right to inquire into the doings of its officials with respect to elections, but to empower tribunals clothed with the necessary authority to look into such questions, to summon witnesses, to hear argument, and to decide whether or not wrongful acts have been committed by sub-returning officers or returning officers, or whether either of the candidates has been guilty of bribery or corruption or of any other wrongdoing which would justify those tribunals, acting in the name and under the authority of the parliament of Canada, to determine whether or not Mr. so-and-so is entitled to a seat in the House of Commons or should be excluded therefrom. Rightly or wrongly, parliament has decided, not to divest itself of its authority in these matters, but to delegate that authority to impartial tribunals, instead of leaving it to the will of a partisan majority in the House to decide whether or not a friend or an opponent of the dominant party should sit in the House. This I think, was a wise provision. If we deem it to be contrary to the privileges of parliament, let us repeal or amend that law, but as long as that statute stands as the expression of the will of parliament and the people let us respect it.

It seems to me, Mr. Speaker, that it would be a most improper procedure on our part and not calculated to maintain in the minds of the people any respect for our parliamentary institutions, to say: Because we are in a hurry to take a seat from one party and give it to the other, we will take the case out of the hands of the tribunal which is now considering it and ourselves decide whether this man instead of the other man shall take his seat in this House, and so increase or diminish the majority of one party or the other.