

Mr. LAURIER asked that the petition be read.

The petition was read accordingly.

Mr. MOUSSEAU. The day that petition was presented, I held, as I do now, that it ought not to be received. It is a mere election petition. It sets forth that the hon. member for Richelieu (Mr. Massue) was elected in September 1878; that he gained his election through improper means; through extensive bribery; not only by his agents, friends and followers, but by himself; that petition and counter petition were made; that the case was fixed for *enquête* and merits, and adjourned until the 25th November, 1879, when both petition and counter-petition were dismissed with costs; that this judgment was obtained through collusion and fraud; that there was an understanding to the effect that the member elect, Mr. Massue, was to pay the costs in both cases, and that apart from that he had to pay very large sums of money to some of the petitioners; that this bribery and those improper practices are an infringement of the franchise and the provisions of the House; and the prayer of the petition is that the petitioners should be allowed to prove those facts, not only the facts which brought about the judgment, but also those preceding the judgment and which were the cause of the first contestation. They ask to be allowed to lay before this House the nature of those facts. Before proceeding to prove that this is a mere election petition, I will read the judgment, pages 23 and 24 of the Journals of the House of last Session:

"The Court, having heard the pleadings of the Attorneys of the parties upon the election petition of the petitioners, Jean Jacques Bruneau, *et al.*, vs. Louis Huet Massue, complaining of the election and return of the said Louis Huet Massue, as member elected at the election of a member for the House of Commons of Canada, for the Electoral District of Richelieu, held on the tenth day of September for the nomination of candidates, and on the 17th day of September for the polling of votes, in the year of Our Lord one thousand eight hundred and seventy-eight (1878):—And upon the counter-petition presented by the said Louis Huet Massue vs. Georges Isidore Berthe, the candidate who opposed him at the said election, and upon the issue between the said parties, having taken communication of the paper-writings of the parties drawn up for the institution of their suit, examined the exhibits and papers filed by the parties respectively, having duly considered the evidence, and upon the whole deliberated, the said case having been fixed for yesterday, the twenty-fourth (24th) November, one thousand eight hundred and seventy-nine (1879), for proof and hearing, then on yesterday put off and adjourned regularly to this twenty-fifth (25th) day of November, one thousand eight hundred and seventy-nine (1879).

"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 other evidence hath been offered: has set aside, and sets aside the said election petition with costs to Messrs. Mathieu et Gagnon, Attorneys for the respondent.

"And adjudicating upon the petition or counter-petition filed by the said Louis Huet Massue, against Georges Isidore Barthe, the candidate opposed to him at the said election:

"Whereas, the said Louis Huet Massue has proved no part of his allegations against the said respondent, Georges Isidore Barthe, the sole witness examined, Napoléon H. Ladouceur, M. D., not having revealed any fact sufficient to constitute a charge against the said Georges Isidore Barthe, in like manner, has set aside and sets aside the said petition of the said Louis Huet Massue, with costs to Mre. Germain, Attorney for the respondent.

"And the Court directs that the deposit of 1,000 made by the petitioners, Jean Jacques Bruneau, *et al.*, and the deposit of a like sum of \$1,000, made by the said Louis Huet Massue, in the hands of A. N. Gouin, Esq., Prothonotary of this Court, and by him deposited in accordance with the provisions of the Act respecting judicial deposits in the hands of the Provincial Treasurer, be returned and paid back by the said Provincial Treasurer to the said Prothonotary of this Court, A. N. Gouin, Esq., and by the latter handed over to the petitioners and to the said Louis Huet Massue, after deduction from each of the said deposits, respectively, of an amount sufficient to cover the costs which shall be taxed in favor of the opposite party respectively, including cost of witnesses, constables, criers, and others, which said costs shall be paid by the said Prothonotary to the proper parties entitled thereto.

"By the Court.

"CHARLES GILL,  
"J.S.C."

MR. LAURIER,

The petition alleges there was collusion, and that without any evidence whatever the petition was dismissed. We see by this judgment that evidence was adduced and the best evidence called by the petitioners themselves, that of Mr. Massue, whose high character is recognized by everybody. The petitioners themselves had so much confidence in the member elect that they could do no better than call him as a witness. They called his son and then his agent, and being unable to prove any corrupt practices, the petition was dismissed. Now, Sir, they came to this House with a petition in which they insinuate that there have been improper practices, and that the judgment was obtained by collusion and fraud, and it is the same petition word for word which was brought up last Session, except some changes in the names of the petitioners. By the Acts of 1873 and 1874 I contend that this Parliament did exactly as has been done by the Imperial Parliament; that is, we have divested ourselves of all jurisdiction in election cases, and of the means of inquiring into allegations of corrupt practices on the part of those who sit in this House as members thereof. There are now other modes by which such cases can be dealt with. First, they can be dealt with by an election petition, to be presented within thirty days of the announcement in the *Canada Gazette* of the return of the member. If the seat should be still contested by election petition before the Courts, it is to be contested according to the following clause:—

"The petition must be presented not later than thirty days after the day of publication in the *Canada Gazette*, of the receipt of the return to the writ of election by the Clerk of the Crown in Chancery, unless it questions the return or election upon an allegation of corrupt practices, and specifically alleges a payment of money or other act of bribery, to have been committed by any member or on his account, or with his privacy since the time of such return in pursuance, or in furtherance of such corrupt practice in which case the petition may be presented at any time within thirty days after the date of such payment or act so committed."

This Parliament has a right to take cognizance of the facts when the case has been finally disposed of by the Courts and then only on the certificate of the Judges as to special Acts of bribery. In the present case a final judgment has been rendered by the Courts according to section 63. We have before us a judgment unimpeached and unimpeachable, and it is therefore impossible for us to erect ourselves into a high court of appeal to review the judgments of an election court. If the allegations of the petition be true, they should come before the same Court by a special petition, though I admit that this remedy was not available in this case, because the petition was not presented as it should have been within the limit of time provided by law. As to the remedy, by presenting a petition to Parliament, I wish to refer to a decision rendered in 1874, by the Speaker of that day, the hon. member for Gloucester (Mr. Anglin), and which is thus recorded on our Journals:

"A motion being made and seconded, that the petition of Horatio LeBoutillier, of Gaspé Basin, Province of Quebec, presented on Thursday last, praying that the return for the last election for the electoral district of Gaspé, be completed and amended, as a matter of privilege, by substituting the name of the petitioner for that of Louis George Harper, be now received;

"And objection being taken to the reception of this petition, on the ground that the subject is one which could only come under the cognizance of the courts of law as provided by statute;

"Mr. Speaker said: 'I cannot find any rule or precedent to guide me in coming to a conclusion on this question. I think it would be well for the House to consider this matter, and lay down a rule with respect to similar petitions in the future. I am of opinion that it is an election petition. Looking over the late English journals, I cannot find any cases of petitions of this nature having been ruled out. After considering all the circumstances, I think that the petition ought not to be received.'"

Later on, in 1873, there was a very important case which came up before the Imperial Parliament. The facts are not similar to those presented here, but the principle involved is exactly the same. An election had taken place for Stroud and the seat of the member returned was contested,