

*Peace River Election*

matter before this House. I repeat, if we are to take that step it is a very serious one. It is a step which puts the officers of this House beyond the jurisdiction of the House itself. I suggest that the right course to pursue is to permit the petition to come to this House for debate, and then if this House decides in the exercise of its well known jurisdiction over its own officer that it should not refer the petition to a committee, very well, let the House so decide. But do not let us establish the precedent of having Mr. Speaker declare that the House has no right even to consider what should be done with a petition affecting the conduct of an officer amenable to the House alone.

Mr. MACKENZIE KING: Mr. Speaker, if the House will permit me, I should like to make one word of explanation to my right hon. friend, and particularly to my hon. friend from West Calgary. I had assumed that my right hon. friend was aware that this matter was likely to come up to-day, because the hon. member for West Calgary yesterday was kind enough to inform me that he intended to raise this question at the opening of the House to-day, and would ask that the petition be referred to the committee on Privileges and Elections.

Mr. BENNETT: Not to raise this question, but to move that the petition be received and referred to the committee.

Mr. MACKENZIE KING: That is correct; my hon. friend would move when the petition had been received that it be referred to the committee. I was informed that when the report of the Examiner of Petitions was made, unless I took exception the petition would be received in a technical sense and I feared it might be thought I would thereby be precluded after its receipt by the House from raising the point of its being proper for the House to receive it. Had my hon. friend from West Calgary been in his seat before I rose to my feet, I would have told him at once of my intention. I had no desire of being discourteous to any hon. member opposite.

Hon. E. M. MACDONALD (Minister of National Defence): Mr. Speaker, from time immemorial parliament has always exercised control over its own privileges and over the question of whether its members were properly elected. Down until 1874 that was the practice in Canada, but in that year there was passed by this parliament the Controverted Elections Act, by which parliament divested itself of the right to inquire into the methods by which members were elected to this House. Since that time the uniform practice, no matter

[Mr. Meighen.]

what party was in power, has been to recognize the validity of that act and the wisdom of that practice.

There is only one question, it seems to me, in regard to this point of order—as to whether or not this petition which my hon. friend for West Calgary has sought to present to the House is a matter pertaining to an election which comes within the purview of the Controverted Election Act. If the assertions which he makes relate to matters which under that act have been committed by this parliament to the courts, then he has no right to present this petition and ask parliament to interfere in a question with which for the time being it has nothing to do.

My hon. friend in presenting the petition stated that it was a petition:

Praying that the House of Commons of Canada may determine and declare that Donald Macbeth Kennedy was not duly elected and returned at the election held on the 29th day of October, 1925, and that the said return was and is void, and that it may be declared that the petitioner was duly elected at the said election and is entitled to be returned as the member elected to represent the electoral district of Peace River in the House of Commons of Canada.

Now I assert beyond all question that the facts alleged and the relief sought are matters that wholly come within the purview of the Controverted Elections Act. They were committed absolutely to the courts in 1874, and no one up to date has seriously questioned this in this House. My right hon. friend the leader of the House in making his objection to you, Mr. Speaker, cites two cases in which petitions of this character have been presented and ruled out by Mr. Speaker of the day. Reference has been made to what is known as the Coderre case, which arose in parliament in 1913. This matter did not come to parliament by way of petition, but by way of a question of privilege which was raised by the then hon. member for St. Hyacinthe, Mr. Gauthier. He came to parliament, presented certain affidavits and asked parliament to refer the matter to the Privileges and Elections committee. That is, what appears by the record of the day; I remember being in the House at the time. The position taken was that this being a matter which involved questions that could be determined by the courts on election petitions, the House should not deal with the question or refer it to the committee on Privileges and Elections. The then Prime Minister, Sir Robert Borden, took that position, as did the then Minister of Justice, Right Hon. Mr. Doherty. On the other side it was urged that the matters contained in the affidavits submitted went beyond and were not part of those questions committed