

Is there a reason for departing from the established practice of the House on these two occasions? These are the two most recent cases. This petition does deal both directly and indirectly with an officer of this House; there can be no question of that. I am not referring to the prayer of the petition, in which the petitioner claims the seat, but I am referring to the allegations which are made on the face of the petition, the statements of fact that appear upon it. Nothing is more clear than the fact that the conduct of an officer of this House is very gravely brought into question, and I do not think anyone would argue for a moment that this House has not the sole supervision and control of its own officers. That gives us jurisdiction and the right to receive the petition, on the ground, if on no other, that the conduct of one of the officers of this House is impugned. Rule 80 is a very definite rule on that point and reads:

If it shall appear that any person hath been elected and returned a member of this House, or endeavoured so to be, by bribery, or any other corrupt practices, this House will proceed with the utmost severity against all such persons as shall have been wilfully concerned in such bribery or other corrupt practices.

What is the first clause of the rule? It provides that if it shall appear that any person has been connected with bribery or other corrupt practice this House shall speedily inquire into the matter. We have the right to inquire in regard to our own officers; we have the right to discipline, to punish our own officers. Notwithstanding that the courts of the land have punished an officer of this House for a criminal offence, we still have the right to summon him to the bar of the House or before the committee and to deal with him as we see fit. Rule 80 is in our rule book expressly to deal with a case such as that which is now before Your Honour.

I submit that on the point of order there is little to be urged in support of it and much that can be urged against it. I am not going to attempt any discussion of the merits or demerits of the question in connection with the election contest in Peace River. I know nothing of the facts save what I have read in the newspapers or heard from the language of the petition. The petitioner has made it appear, in the spirit of rule 80, that a certain condition existed during that contest rendering it the duty of this parliament to make an inquiry. I submit that on the question of order Your Honour should have no hesitation in deciding that the last two precedents, the cases of Queen's and Huron, are now the established practice of this House and should be followed in this instance.

If the petition is received the next step is of course a motion. I do not know what might be said on the motion, whether it should be referred to a committee or not. The argument will no doubt take place upon that motion; but surely we are not going to deny a British subject the right which is inherent in his citizenship, namely, that of lodging a petition before this parliament and of having that petition received. That is all we ask.

Hon. LUCIEN CANNON (Solicitor-General): Mr. Speaker, as the hon. member for South Wellington (Mr. Guthrie) has just said, the question which is now before the House is not that of the merits or demerits of the respective contesting parties before the courts in the Peace River constituency, but simply the point of deciding whether the petition presented by the hon. member for West Calgary (Mr. Bennett) should or should not be received.

This afternoon, as in all matters of this nature, we have had abundant evidence of the wisdom of those who in 1874 decided that election matters should be taken away from the competency of parliament. We have listened to very learned lawyers on both sides and not to my surprise I have noticed that instinctively political feeling has crept into the arguments which we have heard. What conclusion must we draw, what inference must we arrive at, other than that if Your Honour comes to the conclusion that the petition has anything to do with the election itself, Your Honour should follow the rule laid down by your predecessors and decide that the petition should not be allowed to be received by the House?

Any lawyer conversant with parliamentary law or constitutional precedent must reach the conclusion, first, that parliament decided years ago—and that decision has been confirmed and ratified under many circumstances—not to interfere any longer in matters merely electoral. And why so? Because when parliament decided controverted elections, either when the House was sitting as a whole or when the House delegated its powers to a select committee, parliament ceased to exercise purely legislative powers or functions and exercised judicial powers. There is one great underlying principle of the British constitution, and its greatest safeguard—this the hon. member for West Calgary will not deny—namely, that executive, legislative and judicial powers should not interfere with one another. I say with pride that the judiciary of Canada can be compared favourably with the judiciary of any other country. Why should we, especially in view of the most