

which party, \$10,000 or \$20,000 spent to defeat an opponent, we may say that the returning officer will hope, if he pays his fine, that he will receive \$5,000 or \$6,000 compensation besides an increase in his salary.

Mr. SPROULE. What about the punishment for perjury?

Mr. AMYOT. Yes, he would perhaps be tried by some jury that would be bought, as we have seen in some cases. What do we see to-night? Nearly half of the most respectable members of the House taking the part of a returning officer who has audaciously acted against the provisions of the law; and the returning officer might expect that if he were prosecuted, he would get a jury that would protect him. Some of the witnesses might disappear, as often happens in such cases; a juror will fall sick or some other incident will occur to make the law after all a dead letter. The returning officer has acted wrongly; we do not impute his motives; but we say he must have been either a scoundrel or a fool, and in either case he does not deserve the support of this House. I heard the hon. member for West Assiniboia (Mr. Davin) saying a little while ago that we would set a dangerous precedent, if we did what? If we allowed this Parliament to punish the returning officer. Well, we would set a dangerous precedent indeed if we decided that the election of a member of this House now and in future should be in the hands of a single officer, chosen, not at the instigation of a Minister, but through the instigation of some political friends of the Minister. Such a precedent would be dangerous and it would be scandalous. It is said that this matter should go to the courts. Who has the right to say to the candidate who has the majority of votes that he is bound to make the \$1,000 deposit, that he is bound to fight against an opponent who has not, perhaps, a cent to refund him his expenses? Who has a right to say that the man who has the majority of the votes must search for witnesses and expose himself to the danger of a trial? Here the spirit and letter of the law says that when a candidate has a majority of the votes it shall be the duty of the returning officer to declare him elected. He does not do it; and because he has been either a scoundrel or a fool, he will tell to his victim: You pay the \$1,000, pay the witnesses and the lawyers, endure all the anxiety, and bear all the consequences of the act of the scoundrel or the fool. It has been said in this debate that we should not look at this question with party bias or from a party point of view, and I hope we will not do it. What are the reasons given for sending this case to the committee? Some have said we have no right to mix ourselves up in this matter—it is for the courts. To this I reply: when Mr. Macdonald came in the law was as it is to-day, and it was then, and is now, the provision of the law that all rights in controverted elections belong to the courts. Yet we have seen the hon. leader of this House, all his Ministers and the great majority of the Conservative party saying and voting that this Parliament has kept the right it always possessed of deciding questions of privilege. The question was then sent to a committee, and why? Because there was some evidence to collect. We did not know whether the opponent of Mr. Macdonald had or had not resigned his position as a local candidate at the time he contested his election. Then we decided the principle in accordance with the authorities, that Parliament is sovereign, that it is the guardian of its dignity and privileges, and of the liberty, not only of Parliament but of the people. The principle was decided that Parliament had the right to interfere. That doctrine cannot be changed to-night by the very parties who decided in the sense I have just told you. Being admitted by that party, which I respect, that it was our duty to interfere, we apply the same principle here, only we go a step further. I ask: Why send that case to

the Committee on Privileges and Elections? What facts do we want to elicit? Has there been an election? Have there been two candidates? That is not denied. Has there been a deposit? That is not denied. Has there been a receipt given, which is proof *prima facie*, and more than that *juris et de jure*, that the deposit was correct? That is not denied. It is not denied that an election has been had, that votes have been taken, that this candidate, by a pretended court—for there was no such thing as a court then—but the votes were counted by the returning officer—was, in defiance of the law and common sense, declared elected though a minority candidate. We have all these facts. What are the facts that can be elicited by the committee? In spite of the researches of hon. members who took the part of the returning officer, not one of them has been able to quote one single fact that required to be elicited by the committee. What can be the reason for sending this case to a committee? There can be only one, and I will not dare to attribute it to those who propose the measure, but it can have only one effect; that will be to try and kill the thing in some way or the other, to prepare the spoliation of the majority of that county, and allow a man to sit in this House representing the minority. That is as atrocious as if the minority on this side wanted to rule, and pretended by some fault of the returning officer, that the majority had not the right to rule. This is not only a question of justice but of dignity in this House. It has been said rightly that if the hon. member who has taken his seat by the vote of the minority respected this Parliament he would never have dared to come within its walls, but would have resigned his seat at once. Instead of that he comes in and takes his seat, and the majority say: You belong to us and we will protect you. A Government cannot do such acts as this very often without destroying its reputation and undermining the basis of its existence. When we ask for precedents, we ask for something impossible. No returning officer, with the law so clear, has gone so far as this one. Precedents are often the science of those who have no other science. If there are no precedents we will make one, and teach that officer that nobody who dares to defy the rules, regulations and laws of the country will escape severe punishment. He deserves the punishment, and it is this honorable House, which is the guardian of our liberty, to take the matter in hand, and justly and fairly proceed to punish the guilty party, and give to that county its real representative. I do not pretend to throw any light on the subject, but I record my protest against the idea that, because there is a punishment attached to the offence, we must assume it is no offence at all. Law like that would prevent the administration of justice and the holding of any court. It is entirely adverse to common sense and right dealing. We know what party spirit will do; we know the people who are seated above the returning officer, and how party spirit engages the returning officer to commit great mistakes, and when we see people seated above those committing those faults through party spirit, we know, when we come down to those party men, we may expect to see something worse. For my part, all party politics aside, if I saw a man sitting on this side representing a minority, I should refuse to remain with him, or else I would not respect myself.

Mr. GIROUARD. Notwithstanding the late hour, I hope I will be allowed to say a few words. It has been stated there is no reason for referring this case to the Committee on Privileges and Elections, there being no new facts to be elicited. Granting this to be true, have we not an important question of law to examine, the question is whether we can deal with the case or not. This I consider to be a very important question, indeed; it is the first time it has been raised. In 1882, at the time of the discussion on the King's county election (Prince Edward Island), the point was