

thought that this provision of the law was nothing but a bait for the blackmailers, and I am still of that opinion. I ask this committee whether pure politics have ever been obtained through the operation of this clause? The answer is no. I ask this committee whether a candidate is sufficiently protected against conspiracy by this clause? Again the answer is no. If, therefore, no end has ever been attained by this clause, and if it is nothing more than a powerful instrument in the hands of blackmailers, I see no reason why the law should not be changed. I am not asking that it be so changed as to permit candidates or anybody else in an election to practice corruption without being subject to the law. But my experience has been—and I know that in this contention I shall be supported by many members of the committee—that contestation of elections and especially the demand in a contestation that a candidate be disqualified, has never led anywhere but to blackmail. No one has ever seriously contended when instituting a contestation of election that the candidates should be disqualified it is enough that the election be annulled. The question may be asked, what if the candidate is guilty? Well, it is the easiest thing in the world to frame up a conspiracy against a candidate, and in such a case the candidate cannot protect himself. Taking it for granted that no member of this committee ever committed a fraud in an election—I am sure that none did—I am not afraid of contradiction when I say that if conspiracies had been organized against several of us, many might have been found guilty. It is very easy during an election campaign to get, say two men who are willing to commit perjury and to have them follow a certain candidate. If those two conspirators are able to hold a conversation with that candidate, just the three of them being together at the time, and those two men are willing to go before a court of justice and swear that that candidate offered one of them a five dollar bill for his vote, that candidate will be disqualified for seven years. Am I telling the truth or not? I am telling the truth and I know what I am saying. Of course, the evidence of the men will always be subjected to the general principles of evidence, and it will always be left for the judge to decide whether or not it is reasonable or probable that the candidate under such circumstances might have offered a five dollar bill to one of the two men; but if the proof is made, it will be for the judge to come to a decision, and

if the judge comes to the conclusion that the evidence is against the candidate, the candidate will be disqualified for seven years. I am no better than any hon. member on this committee; I am no worse; but every time I have been in the political field either for myself or for anybody else, I have always been afraid of these schemes, not because I felt that I was guilty, but because I was conscious as I am now conscious—

An hon. MEMBER: Oh, oh.

Mr. DENIS: My hon. friend is laughing. Perhaps the reason why he laughs is because he does not understand what I am saying. I have always been afraid of these schemes, because I know that any set of men, organized through detectives or otherwise, can track a candidate and have him disqualified after the election if they choose to do so, no matter whether the candidate be guilty or not. This is opening the door to conspiracies and it brings no good result.

Sir GEORGE FOSTER: My hon. friend is putting up a case which is, I suppose, a hypothetical one. Has he any experience where, in the great multitude of elections that have taken place, such a trick has been successfully carried out and a candidate disqualified by reason of it? Has it worked out in experience as it might in theory?

Mr. DENIS: In my practice as a barrister I have come across cases similar to this, although they were not cases in connection with election contests; but what was done in civil matters, what was done in criminal matters, could very well be done in electoral matters. I am simply drawing a general inference from what my experience as a lawyer has taught me, and applying it to this legislation, I say that this provision is dangerous.

Mr. BURNHAM: Is the hon. member not aware that that very weakness to which he refers runs through all law and all the affairs of life, and that it was because Titus Oates, Bedloe and Dangerfield could do things like that, that so many men were sent to the block and had their heads chopped off, not for eight years, but forever?

Mr. DENIS: I was just coming to the point raised by my hon. friend. But the difference is this: When we are in civil matters, there is only a question of money involved. I consider this clause worse than a clause in the Criminal Code; it is