

sue for the value of services, at least before our courts, and judgment has been rendered against candidates. Why not take away the action completely, either upon a contract or for the value of the goods delivered, or for services rendered?

The MINISTER OF MARINE AND FISHERIES. Even for the payment of lawful expenses?

Mr. CASGRAIN. Yes.

The MINISTER OF MARINE AND FISHERIES. Why should you do that?

Mr. CASGRAIN. To protect the candidates.

On section 123,

Mr. HENDERSON. Is that not an extraordinary section?

The MINISTER OF MARINE AND FISHERIES. It has been there for years and years.

Mr. HENDERSON. Still, it is an extraordinary section, jeopardizing seats which may have been earned legally without the slightest corrupt act.

The MINISTER OF FINANCE. It says a corrupt practice by your agent.

Mr. HENDERSON. Without your consent or knowledge. That agent may be a man who constitutes himself an agent of the candidate.

The MINISTER OF FINANCE. No.

Mr. HENDERSON. The authority for his agency is something utterly beyond the control of the candidate.

The MINISTER OF FINANCE. No, the court must determine the agency.

Mr. HENDERSON. Certainly, but the candidate does not appoint the agent. A man who attends a committee meeting becomes an agent, and the candidate has no knowledge of it. It is entirely without his consent or knowledge, and yet such a man becomes an agent.

The MINISTER OF FINANCE. No.

Mr. HOLMES. It is so held in Ontario.

Mr. HENDERSON. The candidate is unseated on that kind of agency. I think it is strange on our part, sitting here as representatives of the people, to enact any such legislation. It is going too far altogether. We ought to protect ourselves as well as protect the electors. It seems to me to be foolishness on our part to give any man in the country such absolute control over a candidate who may have honestly secured the seat.

Mr. WILSON. I would like the hon. Solicitor General to tell us what constitutes agency.

The SOLICITOR GENERAL. I would have to read all the cases that have been decided in the last twenty years.

Mr. WILSON. But in a general way.

The SOLICITOR GENERAL. I would say that the case submitted by the hon. member for Halton does not constitute agency.

Mr. HENDERSON. I must beg to differ entirely from the hon. Solicitor General, because the judges in Ontario certainly hold that it does.

The SOLICITOR GENERAL. I am sorry to differ from the hon. gentleman, but I cannot accept it.

Mr. HENDERSON. The judges in Ontario interpret the law in that way.

The SOLICITOR GENERAL. I might go to your committee meeting for the purpose of making myself an agent and then disqualify you.

The MINISTER OF FINANCE. Unless you can connect the candidate with the organization of the committee, surely the courts will not call it agency.

Mr. HENDERSON. It is not necessary to connect the candidate with the organization of the committee as long as it is a committee for the purpose of promoting the election. Time after time judges have unseated candidates on that ground. When a candidate was in no way responsible for a man's agency he was held liable. I think it is most extreme legislation, and I think the clause ought to be carefully looked into, and some limitation made to this agency. Holding the view which the hon. Solicitor General does in regard to agency, I am not at all surprised that he approves of the section, but, if he takes the extreme view of the judges in Ontario he will see that the section is not fair.

The SOLICITOR GENERAL. I am afraid we make the judges of Ontario liable for a lot of holdings which they would not be willing to acknowledge.

Mr. HENDERSON. I have been unseated myself through the agency of a man over whom I had no control. He attended a committee meeting. I was in no way responsible for him whatever, and yet a simple act performed by him compelled me to give up my seat.

Mr. CASGRAIN. That was a bad judgment.

Mr. HENDERSON. I am not going to say whether it was a good or bad judgment. I know that such agency was also held in another case because I have been unseated more than once. If you file a petition in Ontario you can depend upon it, unless you get a saw-off there is no chance of escaping. You condemn that practice of sawing off