

*Peace River Election*

cided that these questions should not be dealt with here, but should be decided by judicial and independent tribunals. If those legally constituted courts find any irregularity or any criminal act on the part of any officer, it is the duty of the judge hearing the matter to report to Mr. Speaker, who reads the report to the House at the opening of the next session. Then is the time for parliament to judge the act of that officer. The petition before you, Sir, is worded in plain English. It is a request that the hon. member for Peace River leave his seat and give it to his defeated opponent in his last election. Before he is asked to do that, we should not look at what took place in one particular polling subdivision, but the court legally empowered to do so should consider what took place in every polling subdivision, and when that has been determined it will be time for parliament to decide what punishment should be meted out to any guilty officer and consider any amendment that should be made to the election act. There is one amendment which never should be made. That is an amendment which would take out of the hands of an impartial judge or tribunal and refer to party politicians all matters connected with the election of members to this House.

Hon. HUGH GUTHRIE (South Wellington): May I be permitted to say a word on the point of order? I will endeavour to discuss the point raised by the Prime Minister (Mr. Mackenzie King) without wandering as far afield as the hon. Minister of Customs and Excise (Mr. Boivin) has done in the remarks he has addressed to the House.

The question in a way is a simple but very interesting one. It is at the same time a most important question and involves the right of a British subject to petition this parliament, a right which is laid down by all constitutional writers as an inherent right in our citizenship. A British subject has lodged a petition before this parliament, and the question is whether or not his petition should be received. That, I understand, Mr. Speaker, is the sole question raised this afternoon by the Prime Minister. I am not going to discuss the merits of the case as presented by my hon. friend from West Calgary (Mr. Bennett), but will content myself briefly and solely with a discussion of the right of Mr. Collins to lay a petition on the table of this House and have it received by the House. If our constitutional rights are to be brushed aside with the indifference which has been displayed this afternoon by hon. members opposite, I think the time has come when

[Mr. Boivin.]

we should lay down some definite rule upon the matter. That the right exists there can be no question. A citizen of this country desires to exercise that right; the question is should parliament refuse him that right.

The Prime Minister has cited certain precedents to the House. In the two earlier precedents, that of 1874 and of 1881, it would appear that the Speakers of those days ruled that the petition should not be received. These were early cases, but I point out, Mr. Speaker, that the earlier decisions have been superseded by what took place in this House in connection with the Queen's election case, I think, in 1887 or 1888, followed by another decision, in the year 1900 known as the West Huron election case. I am leaving out for the moment the Coderre case, because I understand that no petition was presented in that case. I take my information on that point from the Minister of National Defence (Mr. Macdonald). Let us turn to the two more recent cases in which petitions were presented and received, notably the Queen's case in 1887 and the West Huron case in 1900. If in the earlier cases the petitions were not received by the House should we be bound by them in the face of what was done in the two more recent cases? Surely the earlier cases have been overruled and superseded, and the law and custom of this parliament at this moment has been settled by the course adopted in both the Queen's and Huron cases, where the petitions were received by this House.

I do not say anything as to the ultimate fate of the petition. I say nothing whatever as to what may or may not be done, or what may be the fate of any motion which may be made hereafter in respect of this petition. But what is our duty at the present moment? I can only repeat what has been said by the hon. member for West Calgary in support of the precedents which have been cited. These precedents were supported by parliament. Objection was taken in the Queen's election case that the petition should not be received. The Minister of Justice of that day was inclined to think there was great force in the argument, but he informed the House that, having regard to the whole situation, he believed the petition should be received. It was received and was referred to the committee on Privileges and Elections. Is there any reason, Mr. Speaker, for departing from that decision in the present instance?

Then in the West Huron case in 1900 the petition was likewise received by the House. Subsequently it was thrown out or turned down, but it had been received by the House.