reference to this election. Well, Sir, I must confess to the fact that I did publish several remarks. The question was one which largely affected the Province, it was one in which there was a strong public opinion, and I endeavored to treat the question as best I could. He charges me further with quoting from a number of other papers. Well, I was glad that once in my life, at any rate, I was able to find so many leading Conservative journals in Canada agreeing with the views I expressed in the journal I edited. It afforded me the greatest pleasure to be able to quote from the Ottawa *Citizen*, the Montreal *Gazette*, the Toronto *Mail*, and a large number of other journals which are undoubtedly organs of public opinion of the Conservative party, and which, on that occasion, expressed the very best thought of that party, as I believe. I think I did nothing wrong in that respect. I do not propose to go into the legal question at all. The matter does not strike me as a legal question. The Minister of Justice is very anxious as to precedents. Let the Minister of Justice on this occasion establish a precedent which will redound to his credit and to his honor. Let him establish a precedent which can be referred to in the future as one in which this House did simple justice. The hon. member for Albert (Mr. Weldon), who is a constitutional doctor, I believe, admits there is a wrong, and that this House can repair it; but with singular inconsistency he says: Do not do what is right because at some future time it may become a precedent for somebody else to do wrong. Now, I do not think that is a kind of argument that would appeal to any ordinary mind. He also makes a point from the fact that the sitting member for Queen's offers to resign. As I understood that offer, he said he would resign when the electoral lists were revised, and as the Minister of Justice has a Bill before the House to postpone the revision for some indefinite period, it looks to me as if the resignation would be postponed to some indefinite period. I can only say that I hope, as was said by the hon. gentleman who last preceded me (Mr. Amyot), that the House will do justice in this case.

Mr. GIROUARD. The question before the House is not, as it was put by the hon. member for Bellechasse (Mr. Amyot), whether an injustice has been done to the electors of Queen's county, but the question is whether we have jurisdiction in the matter at all? The question is not whether the time has lapsed in which the parties interested could file an election petition, or complaint, before the ordinary court. It is not the fault of this House if Mr. King or any of the electors of the county of Queen's (N.B.) have not taken the necessary steps to have their rights maintained. It may be an inconvenience, but I presume similar inconvenience may be felt in many other counties where some fraud or some violation of the statutory law has been committed. This is altogether a question of law; it is an important point of parliamentary procedure, or rather as to jurisdiction in election matters, and in the few remarks I propose to offer to the House I intend to consider it as much as possible from a judicial point of view, as I have done on past occasions, for instance in the King's county election case when I had the misfortune to differ from both sides of the House. To-day, I find myself in agreement with the report of the Committee on Privileges and Elections. There can be no doubt that for centuries the law and custom of Parliament had been that the House of Commons had the right to declare who was entitled to sit in that House, and I presume that right continued to exist until it was repealed by more recent legislation, superior to the law of the House of Commons. I presume that the privileges and powers of the House of Commons continued to exist until they have been repealed and surrendered by the House of Commons, under the authority of a statute of Parliament. The hon. member for Bellechasse (Mr. Amyot), asked: Where was the authority superior to this House? There is one authority superior to this House: it is the law of the land. When the Crown or the House of Commons have surrendered or renounced any of its privileges and prerogatives, those privileges and prerogatives can no longer exist until they are reestablished by the same authority that abolished them—that is by Parliament. Has the House of Commons ever renounced the privileges and right of taking cognisance of election matters? The hon. member for Queen's, Prince Edward Island (Mr. Davies), said there was an unbroken line of precedents establishing the jurisdiction of this House in matters of this kind. He referred to precedents in England before 1868. I contend that they have no bearing whatever upon the issue. If he referred to precedents in this country before 1873, I say that for the same reason they have no application.

Mr. DAVIES. Why?

Mr. GIROUARD. I will tell the hon. gentleman. Until 1868, in England, there was no such provision as the one to be found in section 50 of the Imperial Election Act of 1868, and reproduced in the Canadian Statute of 1873, which says that all elections held hereafter shall not be questioned otherwise than under the provisions of this Act. Until 1868, in England, the trial of controverted elections was held under the Grenville Act of 1770, and also under the Act of Sir Robert Peel of 1848, which created certain committees to decide election cases. We had the same procedure in Canada under the Statute of 1851, which is mentioned in the report of the sub-committee which is incorporated in the report of the Committee on Privileges and Elections, to be found in the Votes and Proceedings of this House for 12th May last. In 1868, for the first time, the British Parliament enacted that no election shall be questioned. That provision is not to be found in the Grenville Act of 1770, or in the Act of Sir Robert Peel of 1848, or in the Canadian Statute of 1851. It is not to be found in any statute in England or in this country, before 1868, in England, or 1873 in Canada. I am going, therefore, to pass over all precedents before the Statute of 1868 in England, and the Canadian Statute of 1873, as having no bearing whatever on the question under consideration. If we look at the language of the Imperial Statute of 1868, or the Canadian Statute of 1873 which reproduces it, it is very plain, and it does not require the learning of a lawyer to know its meaning. It says no election shall be questioned except under the provisions of that Act. What does that mean in plain language? Does it not mean that, hereafter, the House of Commons will not interfere in election matters? Is not that the plain meaning of it? I ask laymen who understand the English language whether such is not the case. If the same language occurred in the Grenville Act, or in the Act of Sir Robert Peel, I would say that precedents before 1868 have an application. But it is not to be found there, and it is only to be found in recent legislation. Let us see what are the precedents in England as well as in Canada, under the terms of the recent statute. In England there were five cases bearing on the subject, and in every one of those cases the House of Commons interfered only when it was a question of the personal disqualification of the candidate. I refer to the case of Sir Sydney Waterlow decided in 1868, a very few months after the Imperial Act was passed, which case has been referred to during this debate. Then there is the O'Donovan Rossa case which was decided in 1870; the case of John Mitchell in 1875; a second case of John Mitchell decided the same year, when the House of Commons of England laid down a different doctrine from the one laid down in the first case. In the first case, the House held that Mitchell was disqualified from sitting in the House of of Commons. When the question came up a second time the House would not interfere, and I look upon this last decision as contradicting the first one. We have finally the