

ished as ordinary offenders are under summary conviction and before a magistrate; but still I have no doubt that the House of Commons would take the matter up, and say that, while that might be some remedy, as far as any personal injury you suffered was concerned, the dignity of the House had been outraged by the insult offered you, Mr. Speaker; and it might be very well contended that the House, in vindication of what it would consider its privileges, should bring the offender before the Bar of the House, try him here and have him punished by imprisonment during the pleasure of the House. But I take it, Mr. Speaker, that if such offences became so frequent that it was found necessary to introduce a bill into this House, and if that bill was concurred in by the Senate, assented to by the Governor General, and afterwards became an Act of Parliament and the law of the land; if that Act provided that, if anyone should insult, or obstruct, or assault the Speaker of this House within the precincts of this House, he should be guilty of a misdemeanor or of a felony, there would be no question whatever that the matter which had been before that a breach of privilege, would now have become a breach of the law, and that the House would leave the matter to the court, and the guilty party, who at one time would have been dealt with as a violator of the privilege of the House, would afterwards be dealt with as a violator of the law, and would be so punished, and punished only by the courts. Would it be contended that, if the House has dealt specifically with any one matter of that kind which heretofore was considered a breach of privilege, the House would afterwards, if it became part of the law of the land, attempt to bring the offender before the Bar of the House, and treat him as for a breach of privilege? Letters written to the Speaker, threatening him for anything he may do, might be considered, and have been considered, a breach of privilege of the House; but, if afterwards the House had concurred in a bill for the purpose of preventing repetitions of such Acts, and an Act was passed for that very specific purpose, surely, I submit as a question of law to the House, it would not be considered that a person should be punished twice, or that a person, after being fined and imprisoned under a statute of this country for that offence, would be brought before the Bar of the House and punished a second time for a contempt and breach of privilege. Dealing with this very case, questions which were considered before as breaches of privilege are now merged into the Statutes and have become breaches of law in reference to elections, and we submit here that under different sections of the Election Act, this very matter into which the House is going to enquire or seeks to enquire is provided for, and adequate penalties are provided for the offender against the law. Section 59, I think it is, of the Election Act, provides that the returning officer shall return the candidate having the majority of votes. If he violates that Act, if he does not do what that Act commands him to do, penalties are imposed by three different sections of the Act. He is liable to a prosecution at the suit of the candidate whose case has come before the court—that is, if the court adjudicates under a petition—and he is liable to a fine of \$500 and costs. Then, further, he is liable to a penalty of \$200 to anyone who may sue for the same, for the violation of any of his obligations and duties. Then, if prosecutions have been instituted against a returning officer for a violation of the law, would it be right, would it be held proper, to have him afterwards up before the House for what was before considered a breach of privilege? The assumption that the returning officer is an officer of the House, I take it, is unwarranted, any further than you may say that a judge who may try an election petition is an officer of the House. The returning officer is appointed by the Government, appointed for a specific purpose; his duties are defined by statute, and if he violates those duties penalties are imposed. Then, as the House has dealt with this matter by passing

the Election Act, and has left it to the law of the land to deal with violators of that Act, why bring Mr. Dunn up here and have him punished for what was considered heretofore a breach of privilege of the House, but what is now a violation of the statute law of Canada? Now, there are other objections.

It being six o'clock, the Speaker left the Chair.

After Recess.

Mr. LYONS. Mr. Speaker, before Recess I was dealing with one point, and it is the only point I intend to allege as an objection to these proceedings, and it is, briefly to restate it, that Mr. Dunn cannot be guilty of any breach of privilege, because the offence charged against him and mentioned in the summons, is one that is a violation of the public statute law of Canada, and being so, it ceases to be treated as a breach of privilege by the House. I intend to say very little in addition to what I have already said, further than to point, as an illustration of my argument, to the Independence of Parliament Act itself. All the offences mentioned in that Act—if an improper person sits in the House, if a disqualified person takes a seat in this House, if a member of the House receives a bribe, or fee, or reward, if he happens to have a contract and is interested in it—all these subjects were at once dealt with by the House of Commons as breaches of privilege, as the House claimed the privilege to deal with them, and the offenders were brought before the Bar of the House. But I take it, Sir, that since that Act has been passed, you leave all these matters to be dealt with by the courts; you allow parties to bring their actions in the courts against the sitting member, or against a disqualified member for anything he has done in the House, and when the general law of the country provides a penalty for such an offence, it surely is enough to have that one penalty enforced against the party, without bringing him up when there is no necessity for it, and treating the case as one of breach of privilege. I do not for one moment question the right of this House to deal with the members of this House—to say what party shall sit in the House, to take a seat from one member and give it to a candidate outside and bring him in as the member; and I take it that if such was the object of this proceeding, there would be no objection to bringing Mr. Dunn here as a witness. I admit freely that the House has the right to call witnesses to any proceeding before you, but I do not understand, nor can it be contended, that Mr. Dunn is here before your Bar as a witness. I would ask, who is he a witness against, or who is he a witness for? Surely it is not going to be said that you can bring a man before the Bar to make him a witness against himself, to examine him, and after you have examined him, to put him on his trial for something that you learned from his own evidence. If it is a right that the House of Commons should exercise to try the returning officer for any matter that happened during the time he was returning officer, and to say that inasmuch as he returned the wrong person to Parliament it is a breach of privilege of the Commons, then the House has the same right to try any man who is guilty of bribery at the elections, any person at any election, who is guilty of personation. If there is a row at a polling place, for instance, and a disturbance caused there by which voters are kept back, and an improper party gets into Parliament, would the House constitute itself a court to try such a case? There was a time when the House even dealt with these matters as breaches of privilege, because there was a necessity for it, but since the Act has been passed in both Houses and assented to, whereby any person guilty of bribery, personation, and of any offence on an election day, is liable to punishment by the courts, the House has very properly left those matters to the courts and refused to interfere and treat them as matters of privilege. I recognise, too, Mr. Speaker, that the House has the power, notwithstanding all counsel may say, to order Mr. Dunn here to