

House should take these facts from the cognizance of the Courts and adjudicate upon them. I may say, Mr. Speaker, it has been granted by the hon. member who has just spoken, that if this petition is an election petition this House cannot take cognizance of it. Still I humbly maintain that this petition contains all the usual allegations of an election petition; that all the facts contained in this petition may be brought in the regular way before the tribunals mentioned in the Controverted Elections Act, and that the remedy does not lie with this House. Even in the prayer of the petition: "That the petitioners may be permitted to adduce before your honorable House proofs of the facts hereinbefore set forth to the end, that upon proofs of such facts your honorable House may take such steps as it may deem just to vindicate the rights and liberties of electors of the electoral district of Richelieu as well as its own privileges and dignity," the privileges and dignity of the House come next to the rights and liberties of the county of Richelieu. What are those facts upon which the petitioners want to adduce evidence? The petitioners allege first, that the hon. member for Richelieu was guilty of bribery during his election, by himself and through his son and his agent; but they say afterwards: "That the said Louis H. Massue took his seat in your honorable House, and sat there during the whole of last Session; he is there now, sitting during the present Session; and nevertheless from the knowledge they have of what occurred at the last election in the electoral district of Richelieu, your petitioners truly believe that the said Louis H. Massue has no right to the seat occupied by him." What is the fact they want to prove? Even supposing the hon. member for Richelieu had been guilty of corrupt practices during his election, these petitioners cannot prove such practices before this House. Let us suppose, for the sake of argument, that the trial was, as the hon. member for Quebec East has been pleased to say, a mock trial. That is not a fact that can be brought against him if he was not guilty of corrupt practices; and that he was guilty of corrupt practices cannot be proven here. Every one knows that these election trials are dangerous, not on account very often of the accusations that are made, but on account of the number of false witnesses every one can bring before the Court. Let us remember what has passed during this trial. Instead of their being presumptions of a corrupt or mock trial, instead of their being presumption that the lawyers and even the Judge were all bought, as insinuated, the facts related in the judgment—facts which cannot be controverted—are that these petitioners had full confidence in the hon. member for Richelieu, and in the oaths of his son and his agent, and after all these parties had sworn they were not guilty of corrupt practices, the petitioners decided to let the hon. member go. They did not attempt, after this proof, to raise the human devices which are used not only during elections, but also during election trials. I come back to the point I was making. What is it these petitioners want to do? To begin a new trial against the hon. member for Richelieu. They call on this House to allow them to bring witnesses before it to prove corrupt practices on the part of the hon. member; they wish to produce here evidence they should have brought before the Court. Is not this the very essence of an election petition. No petition can be received here unless the remedy be shown to be within the jurisdiction of this House. No election petition can be received by us when the remedy asked for can be obtained in the ordinary way indicated by the law of this country. If what is asked by this petition can be granted by the Courts, this House has nothing to do with it. If the hon. member for Richelieu were guilty of corrupt practices during his election and then bought off his accusers, bought off those who brought the petition before the Court, the latter fact, if proved, constitutes also a corrupt practice and comes under the 2nd sub-section of

Mr. OUMET.

section 9 of the Controverted Elections Act, which read as follows:—

"The petition must be presented not later than thirty days after the day of publication in the *Canada Gazette* of the receipt of the return to the writ of election by the Clerk of the Crown in Chancery, unless it questions the return or election upon allegation of corrupt practices, and specially alleges a payment of money or other act of bribery to have been committed by any member, or on his account or with his privity, since the terms of such return, in pursuance or in furtherance of such corrupt practice, in which case the petition may be presented at any time within thirty days after the date of such payment or act so committed; and in case any such petition is presented, the sitting member, whose election and return is petitioned against, may, not later than fifteen days after service of such petition against his election and return, file a petition complaining of any unlawful and corrupt act by any candidate at the same election who was not returned and who is not a petitioner, and on whose behalf the seat is not claimed."

Here is a case clearly laid down and the remedy indicated. Under the provisions of this section the petitioners may make the complaint, which is made in the present petition and obtain the remedy. The hon. member for Quebec East (Mr. Laurier) says: 'No; they cannot,' and I am of the same opinion. Why? Because the time has elapsed within which these parties were obliged by law to bring their petition before the Courts. It would be an absurd proposition to say that such petitions might be allowed to come up against any member of this House, two or three years after the time provided by law, and one which I do not think anybody would entertain for one moment. That, however, is exactly the proposition which has been made by the parties to this petition. There is another reason why this petition should not be received; it may be a lawyer's argument, but notwithstanding it may be so much the better for a good many members of this House. If this petition were brought before a Court I say it should not be entertained, because on its face it appears that the facts mentioned in it have taken place more than thirty days before the petition was presented. The Court would say this petition cannot be received, because it was not filed in proper time. It is not alleged in the petition that the facts have come to the knowledge of the petitioners just before the presentation of the petition; in fact they have been known to them for two years. Another argument against the reception of the petition is, that it was presented last year and then withdrawn. Now, what is the presumption? In law I should say that that would be sufficient to prevent a new petition from being brought before the House, and the presumption, according to the notions of common sense, is that the allegation set forth in the petition, and which are the same as those in the petition presented last year, could not be sustained by the evidence offered to adduce. And what are we asked to do by this petition? We are asked to say that the judgment rendered by the Hon. Judge Gill, who was the President of the Court during the trial, as well as the lawyers and the parties, have all been bought. Not only so, but without proper evidence we are asked to say that the depositions of the hon. member for Richelieu (Mr. Massue), his son, and his agent, who is one of the principal citizens of Sorel, were false, that they all committed perjury, for that is what is insinuated in the petition. I say that the reception of this petition by the House would be to admit that an hon. member of this House whom we have had here for two or three years, and who has been declared by the Courts of his country perfectly innocent, had really perjured himself, and was really guilty of the charges which were made in a petition, which is signed by irresponsible parties. I say that when such an accusation is brought before the House against an hon. member, and when another hon. member asks that the petition containing such allegations shall be received, I say that that member ought to render himself responsible for the truthfulness of the accusations that are contained in the petition. The hon. member for Quebec East should stake his honor, in some degree, in taking such a course against the hon. member for Richelieu.