

contend a greater danger to be feared, and that is that we should give to the majority in Parliament the power, by simple resolution, to take the seat from any hon. gentleman sitting in this House and give it to another. Our constitution would be put more in danger by the exercise of such a power by a bald majority of this House than by the conduct of the returning officer. There was no point made on either side which had such weight, in my judgment, as that emphasised by the hon. Minister of Justice, that it would be a grave and dangerous power to give to a majority of the 215 members here, the right to say that, in their view, any hon. member returned to this House was not properly elected, and proceed to unseat him and appoint another in his place. Hon. gentlemen opposite who are fighting for that position may have reason to regret the course they take. It is we who, in reality, are fighting the battles of hon. gentlemen opposite; it is we who are urging the rights of the minority, and hon. gentlemen opposite may yet thank us for standing by the doctrine that, whatever our constitutional rights may be, it is a dangerous rule to lay down that this House, in a case of this kind, may exercise the jurisdiction claimed for it. Hon. gentlemen opposite, I know, have in their hands a whip, which they openly boasted they would use to scourge us with when we went back to our constituents. They have threatened that they will appeal from this Chamber to the people in the various constituencies. I do not fear their threats. The hon. member for St. John asked, five weeks ago, to vote out the sitting member for Queen's and to put in his place Mr. King; he asked us to deal out Lynch law, to do what the people of a frontier settlement do when a man is committed at noon, hanged at night, and the judicial faculty is exercised the week after in ascertaining whether the right man or the wrong man was hanged. We do not propose to deal out this law here. We do not propose to yield to a blundering, rude desire to have speedy justice meted out, but we intend to comply with the spirit and form of the law. The hon. member for the city of St. John the other day expressed his contempt for lawyers and for legal ways, but if he will look back to history, he will have reason to think better of lawyers, for he will find that at critical times they have been the saviours and guardians of the State. It has been said by an illustrious French jurist, 50 years ago, who had the un-English gift of understanding people whose laws and habits were different from his own, that one of the strongest guarantees for the security and peace and order of the English Empire was the respect the people had for its laws, and their disinclination to interfere with the course of the law. Sir Henry Maine, and others who have studied our constitution, have made the same point. That is the sum of our argument to-night. We have examined the matter, and we hold that the aggrieved party should have gone to the courts of New Brunswick and there sought remedy. I will take this opportunity of saying, as I sit down, that in my personal judgment a wrong has been done. I believe that Mr. Dunn blundered. I believe, from all the facts, that Mr. Baird is not entitled to his seat, and I was very much delighted to hear him say that he would resign his seat.

An hon. MEMBER. When will he resign?

Mr. WELDON (Albert). The hon. gentleman heard what he said as well as I did. I was delighted to hear the sitting member say that, for it seems to me that while we are here to-night fighting the battle of the minority in this House; while we are fighting the battle of hon. gentlemen opposite, the early resignation of the member for Queen's, N.B., will give that protection to the majority of the electors of Queen's county which hon. gentlemen opposite are not prepared to give, whether through cowardice or through fear that their legal position is not as strong as it should be, or through fear that the disclosures in the courts would

Mr. WELDON (Albert).

open that constituency and cause them in fair contest to lose it, or that, at all hazards, they want, at the sacrifice of the rights of the electors of the county, to score a point against the Government, to win a new battle cry. But when Mr. Baird resigns his seat, he will be fighting the battle of the majority in Queen's county, as we are fighting the battle of the minority in this House. I shall support the amendment of the Minister of Justice.

Mr. AMYOT. I must congratulate the speaker who has just sat down upon his moderation and the sense of honesty with which his words show he is imbued. In some of the principles he has expressed, we all agree. The principal difficulty is the question of the jurisdiction of this Parliament or rather of this House, because this is not the Parliament. If it were the Parliament of Canada, of course there would be no question whatever, but the difficulty, the hon. gentleman says, is to know whether the House of Commons has the right to expel a member and to put another in his place. It is a well known principle that every constituted body is the guardian of its own dignity, and the guardian also of the *personnel* or of the members who compose it. If the House of Commons has no jurisdiction, who will give us jurisdiction? Shall we petition the Senate or the Executive? Who is above us here in our House? Who is above the representatives of the people? We say we have given to the courts the right of deciding about the elections. Yes, but does that take away the right that we have to look out for our dignity and to see that those who sit with us are really members? It is true that the tribunals have been charged by us with the function of deciding the elections; but in the past year they had no right to deprive us now of the right, or to exempt us from the duty, of looking out to see who are those who sit with us. We have no power to day to deprive those who will sit to-morrow of the rights inherent to a House of Assembly. As to the jurisdiction of the House it is a very simple question. We may do concerning ourselves anything we please. It is not a question of right; it is a question of discretion. As the people are not disposed to choose men unfit to represent them, and as we are 215 here, we are supposed to act with discretion. Well, we have the right to do what we please, but we are supposed to do it with discretion, and the question to-night is to know whether or not we would act with discretion if we were doing such and such a thing. Did the ministerial party doubt its jurisdiction when it decided to put Mr. Robertson aside and to put Mr. McDonald in? Was there any doubt then? We then thought the thing most simple. Some contended that there was no jurisdiction, but everybody on the other side got up and said we had jurisdiction. So there can be no question at all about the jurisdiction. They say there is concurrent jurisdiction. I will say that if there was concurrent jurisdiction, I would for my part hesitate before using our own power, because it is always dangerous to give to the parties the use of their powers in these circumstances; and, if the courts had still the power, I would hesitate before voting as I will vote; but I think I will demonstrate in a moment that the courts have no more any power whatever. It has been admitted, and I think there is no use in discussing that point any more, that a fault has been committed. There is a grievance; somebody suffers, and there must be a remedy. That is the English maxim, based upon common sense and justice—there is no wrong without a remedy. Here we are in presence of a wrong, a serious wrong. Not only one man suffers; not only Mr. King suffers; but the whole county suffers, and the whole country suffers, and the whole country may suffer more still, and there may come circumstances wherein the existence of the Cabinet may depend upon one vote. Then what would be the position? What would be the responsibilities? What would be the consequences? It is admitted, then, that a fault has been committed.