

*Peace River Election*

law officers of the crown Lord Selborne and Lord Coleridge:

It is true we have divested ourselves of our jurisdiction over all election matters, but it does not follow that we have not the right to say that our writs shall be obeyed. The writ issued by this House calls upon the people of a certain county to elect a certain qualified representative, and we still reserve authority and jurisdiction to inquire as to whether or not they have returned duly qualified men.

This House still has the authority to inquire as to whether or not Peter Robb, deputy returning officer, appointed by the Chief Electoral Officer, an officer of this House—and the House will recognize the jurisdiction which we vested in him—discharged his duty or whether or not he became a party to the opening of the ballot boxes, taking out ballots and marking them for another man, sealing up the ballot boxes and counting those ballots so marked, so as to deprive the successful candidate of a seat in this House. That is the question which has to be met and it has to be considered. This House still has jurisdiction—to do what? To see that its writ is obeyed, the writ of election that was issued by the Chief Electoral Officer, the servant of this parliament, to the electors of Peace River, and if it is proven to the satisfaction of a committee of the House that the deputy returning officer or one of his officials saw fit, in dereliction of his duty, in fraud upon the people of Alberta, to deprive them of their right as citizens, to whom do they look but this House? Whom are they to look to but to this House, or to a committee of this House, which reports back these facts, and gives the seat to the man who is entitled to it but who has been illegally deprived of it.

Let me go a step further. I will not content myself with quoting the language of so eminent an authority as Lord Selborne or Lord Coleridge I will go further and quote the authority of the late chief justice of this Dominion, who in 1900, in dealing with the West Huron election case, had occasion to deal with this very matter. Sir Louis Davies put the case on the strongest ground on which it could be put. He said:

It is true we have divested ourselves of the jurisdiction over election matters—

These were the words:

But we have retained jurisdiction over our own officers—our returning officers and deputy returning officers, and over none others.

These were the words of Sir Louis Davies in 1900. What did Sir Wilfrid Laurier say in the debate of 1913? What was his declaration as to what the position was? He agreed with the observations made by Mr. Doherty,

[Mr. Bennett.]

then Minister of Justice, now Right Hon. Mr. Doherty, who for two hours or more reviewed all the authorities and placed the matter before the House in every detail. When Sir Wilfrid Laurier, then leader of the opposition, dealt with the matter you will observe that he was very careful to say that this parliament had not divested itself of all its jurisdiction, but had retained jurisdiction over its own officers, over its own deputy returning officers.

This petition is here, Sir, from a citizen of this Dominion, in order that this house of parliament may refer it to the committee on Privileges and Elections. For what purpose? To see whether or not our officers, our servants, the men to whom we delegated certain rights, to ascertain whether the electors of Peace River desired to elect number one, number two or number three to sit in this House, had been guilty of fraud or otherwise. If they had taken out the ballot boxes, extracted ballots therefrom and substituted other ballots, then this tribunal of parliament should deal with the matter. If it can be proven not before the courts of the country, not by a trial, but by the production of the men who so testified before the court, that although they, to the number of 111, had voted for Collins and that notwithstanding when the ballots were taken out of the box only 27 were found to be marked for Collins, do you mean to tell me, Sir, that the free people of this country are not entitled to petition parliament and to ask that this great wrong shall be undone? Why, Sir, the very mention of it to the people of this country, the very idea that a man may retain a seat in this parliament when an election petition cannot be tried while parliament is sitting, that the receiver of stolen goods can flaunt his crime before the people and say, "I am going to be tried some time two or three months hence, but in the meantime I am going to enjoy the fruits of my wrongdoing."—the very idea, I say, is enough to shock the sensibilities of all who venerate the principles of right and justice and who believe in representative institutions. In this case no one charges Mr. Kennedy with wrongdoing, and no one alleges that he had anything to do with it, and he had not, except in this one respect that having received the stolen goods, he is holding on to them. That is all. I am amazed, Sir, that there can be in the mind of honest men the thought that you would permit this House to deny to the man who has been wronged the right to come to this tribunal, the highest court in the land to present his case. It is unthinkable. I could not believe my ears when I heard the Prime Minister rise in his