

tion. His parents before him—and I am willing to accept his statement—were very respectable people; in fact I gathered from him that blue blood flows through the veins of this gentleman. He holds a high position in the county, and, therefore, he says he selected him to do his work, and now he has done that work; Parliament has summoned him before them and not having punished him the hon. gentleman takes it that he goes home with a clear character. Well, if that is the hon. gentleman's deduction from the evidence given before the House the other day, I am sorry for it. He argues that Dunn did rightly, that he had judicial powers down to the moment of sending the return to Parliament—and with that view of the case I will deal later on—and then the hon. gentleman very heroically challenges Mr. King to meet him in court and discuss the matter before the judges. He says: I will sit here at a salary of some \$1,200 for the Session; you, Mr. King, must put up \$1,000 in court, you must abide by the chances of technical objections, you must forfeit your seat in Parliament for this Session, you must stand the chances of appeals from court to court while I will fight you at the public expense, because I shall be receiving money as a member of Parliament which will enable me to defend the action. This is the heroic challenge he throws out. He may well do that. He has got that which the electors did not elect him to have; he is sitting in this House not having received the majority of the votes of the electors; the gentleman who has received that is outside. Now, the hon. gentleman says, I am in possession; I am receiving \$1,200 a year with which I can go on and fight the matter in the courts if my opponent dares to go there; and he claims that his action is a heroic one. I had hoped, when I saw the hon. gentleman rise in the House to-day, that he was going not only to place his resignation in your hands, but ask the House and his leader to do that small measure of justice that ought to have been done before, and put the gentleman who is entitled to the seat in his right place in this House. He has indulged in prophecies and boastings as to what he is going to do if the time comes for him to resign. I did not understand him, as the hon. Minister of Justice says, to pledge himself to any time when he would resign. I remember, in the Prince Edward Island case, that the gentleman who got himself returned by the sheriff to a seat in this House, although he polled a minority of the votes, appealed to his friends to confirm the return of the sheriff. He was successful in his appeal to some of the members of that House, because he had promised them privately that when he was confirmed he would resign. But it is known to everybody in this House that, after the confirmation of the sheriff's act was passed, he remained here during the whole four Sessions of Parliament and never resigned at all; and I very much fear that the precedent which has been set in that case will be followed by the gentleman who at present sits for Queen's, if the House are foolish enough to confirm him in his seat. Now, as I stated, there are two questions before the House. One is, whether Parliament has a right to deal with the case at all; and the other is, whether, if it has the right to deal with it, the merits of the case are on the side of the sitting member or on the side of Mr. George King. The Minister of Justice takes the ground that no precedent for our action can be found in either the Imperial Parliament or the Parliament of Canada. I take distinct issue with him on that point. I say there are numerous precedents. I say there is a long, unbroken series of precedents from the year 1832 down to the present time, in which Parliament has asserted successfully its jurisdiction in matters exactly similar to the present case; and these precedents govern this case. The hon. gentleman says no precedent can be found in England for Parliament interfering where a minority candidate has been returned by the returning officer, and seating the other candidate. He knows very well that no precedents exist for the last 100 years, where

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any returning officer has been found so false to his duty and so false to his oath as to have returned the minority candidate to Parliament. That fact has been reported to this House in the report of the Election Committee which he desires this House to confirm. In that report the committee say that they have been unable to find any case during the long interval of the last 100 years where the minority candidate was returned to Parliament. That being the case, the hon. Minister of Justice could very easily declare that he could find no precedent where the minority candidate was ousted. How could the precedent occur? The minority candidate was not there to oust. But if he had been there, no one who follows the precedents and practices of the English House of Parliament can doubt for a moment that that Parliament would rise to a sense of its own dignity and assert its privileges by ousting the intruder without any delay. Sir, I contend, as a matter of law, that the rights which this House can exercise respecting the election of its members have not been in any degree minimised by the passage of the Controverted Elections Act. I state that as a clear principle of constitutional law, and I think I have the authority, not only of the leader of the Opposition, but of the leader of the Government, for that position—that the same rights which this House retained to itself when in former days it relegated the trial of election petitions to the Election Committees of the House, these same rights the House continues to retain after it has relegated the trial of election petitions to the judges of the land. There has been no change. Almost the same words which were used in the old Controverted Elections Act, for referring the trial of controverted elections to the Election Committees of the House, are used now in the Controverted Elections Act; and the hon. gentleman knows well that the principle is this: that while the House will not entertain any petition questioning the return of a member, having relegated to the courts of the land the right to receive and determine upon such petitions, at the same time the House has never failed, of its own motion and in its own right, when the facts are brought before it, to consider all the facts set forth in the return of a returning officer; and if it believes he has returned the wrong man, to make him amend his return accordingly. Why, Sir, if we take up the precedents cited in the report of the subcommittee to which this case was referred, we find that away back, in 1848, the House commenced to exercise its rights in this regard. We find in the Beauharnois case and the Kent case, before the Act of 1851 was passed, the House exercised those rights. In the Beauharnois case, which is almost precisely like the present one, it declared that the majority candidate should be returned, and it directed that the return should be amended, and it was amended accordingly. The Kent case was a similar case, and the House made a similar declaration. Then, we have the Canadian Statute of 1851, which declared that all election petitions received by either House should be referred to the General Committee on Elections, for the purpose of choosing select committees to try said petitions; that the House should refer the petitions in each case to the said committee so appointed and sworn; and that they should there try their merits, and determine whether the sitting members, or any or what other person were duly returned or elected, or whether the election was void. In other words, that statute conferred on the Select Committee on Elections the same powers which we afterwards conferred on the judges of the land, under the Controverted Elections Act. That is a position of law that the Minister of Justice cannot controvert. If we had power before the Controverted Elections Act was passed, to consider and determine on cases of this kind, we have that power now, because we did not by that Act divest ourselves of any powers we had previously. We only conferred on the courts of the land those powers that