

"Wherefore your petitioners pray that they may be permitted to adduce before your honorable House proof of the facts hereinbefore set forth, to the end that upon proof of such facts your honorable House may take such steps as it may deem just to indicate the rights and liberties of the electors of the electoral district of Richelieu, as well as its own privileges and dignity.

"And your petitioners will ever pray.

"SOREL, 13th December, 1880."

It is plain that under this petition it is not sought to prove before this House the charge of corrupt practices made against Mr. Massue. I apprehend that, in the present state of the law, no election can be contested by the persons and in the manner contemplated by law. The petition does not say that Mr. Massue has been guilty of corrupt practices, either by himself or by his agents, but it simply says that in the opinion of the petitioners there has been fraud committed and a corrupt agreement arrived at between the petitioners and respondent in the case, thereby preventing proper trial under the Election Act. It does not follow that even if the investigation had been as full as possible, the election would have been voided; therefore the President of the Council can scarcely be serious when he states that it is suggested by the petition to again place Mr. Massue on his trial; but what they complain of is that there has been a failure of justice. Not only so, but they complain that a corrupt agreement was made, and that it has had the effect of preventing the electors of Richelieu from exercising the rights granted them by the State. In this case is it not clear that the independence of Parliament has been sorely interfered with, and the rights of the people trampled on? The hon. President of the Council argued that we could not interfere with a Judge's decision. The Judge was imposed upon; the trial that took place did not bring before him the facts of the case, and he was taken by surprise. If that were so, there must be a remedy, and where could that be found except in Parliament? So far as the reception of this petition is concerned, I will cite a case which is perfectly analogous. I have said, and I think the statement cannot be controverted, that when a subject of Her Majesty comes before this House with a petition setting forth a grievance, this House is bound to receive the petition, notwithstanding the fact that the prayer is such it cannot be granted. The hon. President of the Council says the petition cannot be received because the judgment of the Judge is final and cannot be gainsayed. I do not dispute that at this moment; but I contend that a grievance is set forth in the petition, and that that is sufficient to entitle it to be received by this House. The analogous case to which I refer is mentioned in the English *Hansard*, page 1186, vol. 194, third series:

"Sir EDWARD COLEBROOK presented a petition from certain electors of the counties of Peebles and Selkirk, complaining that, at the last general election, upwards of fifty of the voters had a qualification of an 'illusory character'; that arrangements were being made for largely increasing the same description of votes; and praying the House to afford a remedy. He begged to move that the petition be read by the Clerk at the Table.

Petition read.

Sir GRAHAM MONTGOMERY said, that the 50th clause of the Corrupt Practices Act, passed last Session, stated that no return of a member to Parliament should be questioned, except in accordance with the provisions of that Act. He would therefore beg to ask the right hon. gentleman in the chair, whether it is competent for any hon. member to present such a petition; the time for presenting election petitions being limited by the 50th section of the Corrupt Practices Act of last Session? He wished, therefore, to know whether the petitioners were not precluded by that Act from presenting this petition?

Mr. SPEAKER. As I understand it, the petition is not one questioning the return of a member. It merely sets forth a grievance which the petitioners think requires the consideration of the House."

This case is exactly the same. It sets forth an agreement. It does not question the ruling of the Judge on this question; it merely says that the Judge was taken by surprise and imposed upon. I may be asked, what will be the consequence; what will be the remedy? I would not be prepared, at this moment, to point out a remedy. That is a question for the due and mature deliberation of the House. But I would suggest that the petition be referred

to the Committee on Privileges and Elections for a thorough investigation, and that that Committee report to the House after they have investigated the facts. I would not go any further. My hon. friend (Mr. Mousseau) suggests that the petitioners could have a remedy before the Court. That would be well enough if this were a case to try according to the rules and procedure of Lower Canada; but I apprehend that under our law of Controverted Elections the Judge is simply exercising a delegated authority, which reverts to the House after he has made his report to Parliament. It may be, Mr. Speaker, that there might be some weight in the argument of the hon. member, that if the facts which are alleged here had been brought before the Judge before his final report to the House, and he had been shown that he had been taken by surprise and had been imposed upon, he might be asked to reconsider the case; but it seems to me that after the Judge has made his report, after the powers delegated him are exhausted, the remedy for the wrong which has been committed does not lie in his hands; but that it is to be sought at the hand of the authority which delegated the power he has exercised—that is to say, at the hands of this House. For the present I would not venture to suggest any other remedy than this one. Whatever may be the report of the Committee on Privileges and Elections, there is a point which must be quite clear and conclusive to the mind of every member of this House. It is this: If the facts herein stated are true, if it be proved that a corrupt agreement has been entered into between the plaintiff and the respondent for a money consideration paid by the respondent, then the seat which the hon. gentleman occupies in this House has been obtained through fraud, and it must be conclusive that the independence of Parliament has been violated, and the party guilty of that fraud is liable to the censure of this House. It may be said that it is a hardship that such an investigation should take place upon the simple representation of a petition. I know it is; but such a hardship is a consequence of a free state of Government. It is a hardship no doubt, if, after being in a court of justice in a suit brought against him by another person, and he gains it, he is compelled again to have the suit re-opened. But, Mr. Speaker, if the charge brought against the hon. member for Richelieu be true, if the facts be true, it is no hardship. While, if the facts are not true, the hon. member is entitled to the full protection of the House. The petitioners whose names are at the bottom of the petition are responsible for them, and if the charges advanced by them in this petition are false, they would be amenable to and receive the censure of this House. I therefore move, Mr. Speaker, that the petition be received.

Mr. OUMET. Mr. Speaker, I will only mention a few arguments in favor of the dismissal—to use a legal expression—of this petition. I suppose the question just now before the House is as to whether this petition may be received or may be considered by this House. The question before us now is the same as would be before a Court if a demur was raised to a petition, or any legal process. The principle upon which this petition may be received, or may be considered, rests on the fact that this House has within its jurisdiction the granting of the remedy asked for, and that the remedy cannot be obtained otherwise in any legal way than through this Chamber. I suppose, Mr. Speaker, nobody would ever have supported the reception here of the petition on an accusation which might be brought to the cognizance of the Courts, and if a remedy could be granted by the Courts, and if the facts stated in this petition can be dealt with, and a remedy given by the Courts, the petition cannot be taken away from the jurisdiction of the Courts and brought here nobody knows for what purpose. I shall not make any insinuations as to the purposes of the petitioners, but nobody knows for what purpose this