

I hope that those hon. gentlemen who express dissent from my remark will accept the authority of a gentleman for whose statements on that subject I, for one, entertain a very great respect. Now, Sir, on a former occasion, when a question like this was before the House, a good deal of use was made of the only authority that could be found in the debates of the Imperial House of Commons against a reference of this kind to a committee. In 1870 the Right Hon. Mr. Gladstone was urged by an independent member of the House to refer the subject of the election of O'Donovan Rossa to a parliamentary committee, instead of dealing with it by resolution, and Mr. Gladstone's statement in reply to that view, in which he refused the proposition, is one which was repeatedly used on a former occasion to convince this House that it was undignified to take the step of referring questions of that kind to a parliamentary committee. It may possibly be that at a subsequent stage of this debate the same language of Mr. Gladstone will be used to convince the House that, on this occasion, it would be undignified to refer this matter to a committee; and I may be permitted, then, to express my humble opinion upon the reasons why the resistance of Mr. Gladstone should not induce this House to resist the motion which I intend to make on this occasion. The statement which I refer to, and which, as I said before, is the only authority to be found in the debates of the Imperial House of Commons for refusing a reference to a committee, is this:

"If this were a case in which, after the best investigation we can make, we thought that any good, fair, or reasonable doubt attached to the facts or the arguments of the case, or as to the course which the House ought to pursue, then I admit it might be the subject of a reference to a committee, especially if the question were one which involved the examination of a long and complicated series of precedents, such as it would be difficult to bring under the view of the House in debate. But Sir, in our view it is neither the one nor the other. The facts of the case are the fewest possible, and the principles applicable as clear as can be brought to bear on any question of parliamentary discussion, and I would submit that if that be the case, a proposal to enquire instead of a proposal to act, would not be becoming the dignity of this House."

Some hon. MEMBERS. Hear, hear.

Mr. THOMPSON. I see by this assent to Mr. Gladstone's view that I do not unduly anticipate the use they will make of this extract, but I hope hon. gentlemen will not submit that statement to the House as an authority against the resolution I propose to move, without calling the attention of the House fairly to the surrounding circumstances. In that case Mr. Gladstone could fairly challenge any member of the House to say that there were any facts or precedents at all requiring examination. The only fact as respects which there could have been even an investigation, was the identity of the person returned with the person convicted; and the hon. member of the House of Commons who was urging that the matter should be referred to a committee, so far from disputing the identity of the person convicted with the person returned, urged that it would be unjust and uncivilised to reject the person convicted, because he was regarded by his constituents as a patriot whose presence would not disgrace the House of Commons. In the arguments presented to the House the single fact about which there could be any dispute was admitted by the gentleman urging the reference to a committee. All the precedents were on one side. In this case, as I have shown the House already, since the change in the system by which election petitions have to be tried, the hon. gentleman who presented the case so well this afternoon on behalf of the candidate not returned, has been unable to mention a single instance in which any such power was exercised, either by the Imperial or by the Canadian House of Commons. Now, Sir, let me call the attention of the House for a few moments to the difference likewise between the modes proposed for dealing with the two cases—the case in which Mr. Gladstone declared that a reference to a committee would be undignified and that the proposal should

be to act and not to enquire, and the case we are dealing with this afternoon. Mr. Gladstone was proposing that nobody should be seated; he was asking the House simply to affirm that which the common law of England—as it was admitted on both sides of the House—distinctly declared, namely, that a felon, who had not finished his term of punishment, was not entitled to take his seat in the House of Commons, or be returned as a member of the House of Commons; and he might properly say that, inasmuch as it was merely inviting the House to affirm a general principle of law which was recognised all over the realm, it was undignified to refer so plain and simple a question to a committee—that it was undignified to hesitate to act in making that affirmation. The action which the House is asked to take this afternoon is very different. The House is asked to pronounce judgment on the rights, duties, and powers of returning officers, and not only that, but to do execution likewise, and say that one of the persons occupying a seat in this House is not entitled to this seat, and that without any enquiry whatever, without even the enquiry he is entitled to have in a court of law, if his seat should be attacked there, as to the right of the other gentleman to take his place in this House. Now, Sir, coming back to the point which I mentioned a few moments ago, that persons have acquired rights here other than the electors even, let me ask the attention of the House to the effect on those rights of the resolution which the hon. gentleman has proposed. Let us ask ourselves if, in this haste to do justice to the right of the majority of the electors in Queen's county, we are not taking away the rights of others. Let me ask the House if the hon. member for St. John (Mr. Skinner) is not moving that we should put the sitting member in a far worse position than he would have been if he had been petitioned against in the courts, and the election law, which we adopted ten years ago and upwards, carried out. Why, Sir, if that hon. gentleman were petitioned against in the courts, what would be his rights? He would have the right to retort against the gentleman whom the hon. member for St. John (Mr. Skinner) proposes at once to put in his place, and say: "If I am not entitled to the seat, you are not entitled to it either. You have been disqualified by corrupt practices; the election has been void in consequence of the corrupt practices of your agents. The election has been void in consequence of irregularities in connection with the conduct of the election; the election has been void in consequence of undue revision of the electoral lists, the want of jurisdiction, perhaps, of the reviser who revised them, and the want of the certification of the proper lists to the deputy returning officers." It would be his right, before his opponent should be put into the seat he occupies, to raise every one of these questions; and the hon. member for St. John proposes that we shall take away from him that right and put him in a far worse position than he would be in if Mr. King resorted to the procedure which the law of Canada lays down for a person who claims the seat. I mention that especially for the ears of the hon. gentlemen who cheered me ironically when I said that the rights of other parties than the majority of electors had to be considered. More than that, we have to consider this fact, that the hon. gentleman proposes that we should take away the right which any person has to petition against the sitting member. It may be that some elector of the county proposes to petition against him, and to disqualify him; and if this course of procedure can be followed—I am arguing the subject in an abstract way—the result will be that a member who is liable to disqualification can invite a friend in the House to move to unseat him and to seat his opponent, and thereby escape disqualification altogether. It may be thought that this is a very fanciful case, and yet in the Imperial House of Commons something like it was done only ten years ago. A member who was