

*Peace River Election*

that he is right—that an hon. member can occupy his seat in this House, that he is even obliged to be here but that he has no right to exercise his prerogatives as a member of parliament. That is almost as erroneous as the other argument used by my hon. friend.

Mr. MEIGHEN: If my hon. friend will permit me—under what obligation is a man to sit in this House who knows he did not get the majority of votes?

Mr. BOIVIN: My right hon. friend says that someone knows that the hon. member for Peace River did not get the majority of votes?

Mr. MEIGHEN: He knows it himself.

Mr. BOIVIN: And my right hon. friend pretends he knows it too?

Mr. MEIGHEN: Certainly; we all know it.

Mr. BOIVIN: We all know it?

Mr. MEIGHEN: Certainly.

Mr. BOIVIN: Who said so?

Mr. MEIGHEN: The judge and the jury.

Mr. BOIVIN: The judge and the jury decided according to the evidence of certain men that a certain number of votes which should have been given to Mr. Collins in that election had been counted for Mr. Ray. The judge and the jury did not decide that—

Mr. MEIGHEN: It was decided by our officers.

Mr. BOIVIN: Still that is not what the judge and jury decided.

Mr. MEIGHEN: Yes.

Mr. BOIVIN: The judge and jury were not called upon to decide whether the hon. member was or was not elected.

Mr. MEIGHEN: That is what they decided. The judge and jury—

Some hon. MEMBERS: Order.

Mr. MEIGHEN: The judge and jury had to decide that in order to decide the case presented to them.

Mr. BOIVIN: Is it because the judge and jury decided something they were not called upon to decide that we are to ask a fellow member to resign? That is something the judge and jury had no right to deal with.

Mr. MEIGHEN: They had the right.

[Mr. Poivin.]

Mr. BOIVIN: Will my right hon. friend tell me under what law Mr. Kennedy can resign his seat to-day?

Mr. MEIGHEN: I do not say anything of the kind. I say he is under no obligation to sit as the hon. member said he was.

Mr. BOIVIN: Under no obligation to sit?

Mr. MEIGHEN: Hear, hear.

Mr. SPEAKER: Order.

Mr. BOIVIN: The hon. member is doubly obligated. He took his oath of office to do his duty as a member of the House of Commons, and the law says he must do that duty and cannot resign.

Even if the argument so ably built up by the hon. member for West Calgary (Mr. Bennett) were true in every respect, he has proven almost instinctively, clever advocate that he is, that he is not making his argument in the right place. In addressing the Speaker of the House of Commons as "My Lord," he has shown that he well knows that the argument should be made before a court of justice.

Mr. SPEAKER: I assure the House I am not a lord.

Mr. BOIVIN: My hon. friend revealed himself as a very able parliamentarian. He realizes, I think, after hearing the arguments pro and con that you, Mr. Speaker, will undoubtedly disallow the petition and decide that it cannot be received by the House.

Mr. BENNETT: I am sure my hon. friend will not object if I draw attention to rule 69:

If anything shall come in question touching the return or election of any member, he is to withdraw during the time the matter is in debate; and all members returned upon double returns are to withdraw until their returns are determined.

That is an answer to the question brought up a moment ago, as to what a member should do.

Mr. BOIVIN: Does my hon. friend contend that if the hon. member whose election is under debate at present withdrew from the chamber it would alter his argument or mine? Would it alter the decision of Mr. Speaker on the point of order? If not, why does my hon. friend cite the rule?

Mr. BENNETT: Because it was suggested that there was no provision under which he could retire from the House.

Mr. BOIVIN: The hon. member for St. Lawrence-St. George (Mr. Cahan) claimed that one of the reasons why the petition