

April 2, 1873

because as hon. gentlemen observed, it was not very frequently that leading counsel were made judges, and very probably those who are leading counsel would not make the best judges, besides this, the position of a judge, by its dignity and security, and by the fact that there was provision for a pension, was in many respects much more advantageous than that of counsel at the bar. He would not in the slightest degree depreciate the standing and ability of the legal profession in the other provinces, but they must consider the average of professional emolument in the various provinces in considering the amount to be paid. The salaries of judges in his own province were inadequate, and were not sufficient to secure what the hon. gentleman stated ought to be secured, namely the obtaining of the best men.

After a few further remarks, the hour of six arrived and **The SPEAKER** left the chair.

The House rose for recess.

AFTER RECESS

DUAL REPRESENTATION

Mr. MILLS moved the House into Committee on the bill entitled an Act to render members of the Legislative Councils and Legislative Assemblies of the Provinces, now included, or which may hereafter be included within the Dominion of Canada, ineligible for sitting or voting in the House of Commons of Canada;

Mr. GEOFFRION in the chair.

The Bill passed through Committee and was reported without amendment.

Mr. MILLS moved the second reading of the Bill entitled an Act to amend 35 Vic., Cap. 15, entitled "An Act to compel members of the Local Legislature in any Province, where dual representation is not allowed, to resign their seats before becoming candidates for seats in the Dominion Parliament, and to make further provisions in case of the election of disqualified candidates." He explained that the object was to make the provisions of the law in this respect uniform.

He referred to the Costigan bill which he considered admitted of many inequalities which the present bill was designed to remove votes given in favour of a disqualified candidate ought to be accepted as votes against the opposing candidate, and the bill took away from the returning officers the power of returning a candidate having a minority of votes under any circumstances. As to the qualification of candidates, the bill would provide that that qualification must be shown to exist on the day of nomination. The bill merely acted in the removal of doubts now existing, and could not be objected to.

Hon. Mr. TUPPER asked whether the hon. gentleman did not see a great objection to his bill in the bill which had just been passed through Committee. That bill provided that there should be no dual representation, and he maintained that the present bill was a retrograde step, as it put it in the power of a member of the Local Legislature to become a candidate for a seat in the House of Commons.

Last session the House provided that members of the Local House must resign their seats there before becoming candidates for seats in the House of Commons, and he believed the House would sustain that view. But pass this bill now before the House, and in Ontario the present Premier might become a candidate for a seat in the House of Commons without affecting his position in the Ontario House, and he thought the hon. gentleman would see that this was entirely inconsistent with previous legislation. There were cases in which votes given for a disqualified candidate ought to be held thrown away, and that was when the disqualification was notorious and well known.

Hon. Mr. BLAKE argued the previous speaker had misapprehended the intention of the measure of the hon. member for Bothwell (Mr. Mills). The hon. Minister of Customs (Hon. Mr. Tupper) had objected to taking anything like a retrograde step, especially with regard to Dual Representation. He was puzzled himself to know how the Minister of Finance (Hon. Mr. Tilley) would vote when the question came up. He could not possibly have been consistent with himself. He had already voted both ways—for the Bill before he was a member of the Government, and against it after he was.

The proposal of his hon. friend from Bothwell did not affect the principle of the first portion of the Bill passed last year, and known as the Costigan Act; that portion of the Costigan Act rendered ineligible for election to the Dominion Parliament any person who was a member of a Local Assembly or Legislature, and was not vouched by the measure under consideration. The argument of the Minister of Customs (Hon. Mr. Tupper) therefore fell to the ground.

What the second clause was intended to do was to hinder the returning officers from taking upon themselves to judge of the qualification of any candidate, if they were pleased to think themselves unsatisfied with his qualifications, and of returning the candidate who has virtually received a vote of want of confidence from the electors.

He had some experience of this himself. Though on the other side of the Atlantic, on the hustings when he was nominated the gentleman who acted as returning officer pretended to doubt his qualification to stand, as he had received no certificate of the resignation of his (Hon. Mr. Blake's) seat in the Local Legislature and was thus prepared to reject summarily the gentleman who received a majority of 1,888 votes.

The inconvenience which was spoken of by the hon. Minister of Inland Revenue did not exist. The clause of the Bill referred to was