ing to their expression of opinion. But it is evident from the language used by these learned judges, or at least by some of them, that they were rather reluctantly drawn into any expression of opinion on the subject, and one of them described any opinion expressed by the court to be simply an *obiter dictum*."

The judge says that the reason why he will not follow their judgment is that they were drawn into giving their judgment, and hence it must have been a hasty judgment that he did not like to follow because he had give the question more mature consideration. The hon. member said he had a right to disregard the judgment because it was given by a court in a case where there was no jurisdiction. The judge himself did not seem to think so. He says that his judgment is better than that of the three judges of the Court of Appeal for this reason: that, first of all, they were drawn into giving the judgment, and next, one of the judges said any opinion expressed by the court, was an *obiter dictum*. The two points the judge makes were these: If it was a judgment it was wrongly given, and one of the judges went so far as to say that the judgment of the other two judges was an *obiter dictum*, and every lawyer knows very well that a judge does not feel himself bound to follow *obiter dictum*. Now, that was the strange decision for the judge to give upon that one point. I need not enter into the case as far as the learned gentleman has done who preceded me. It certainly must be a new doctrine to this House that the opinions of such eminent judges as sat on this case ought not to be followed by Judge Elliott. It would appear from the argument of Judge Elliott that he had the English authority, and he was bound to follow it rather than the Canadian authority, and that the Canadian judges who gave a judgment had no English authority at all. I always thought that judges of the Court of Appeal in Ontario had the English decisions at hand. We know that our judges in the Lower Provinces always consult English decisions; they not only know that such judgments exist, but they have fully read those judgments in a particular case. More than that, it will be remembered that the very men who were arguing the case before Judge Elliott went before this Court of Appeal. Did they not mention these cases that strengthened Judge Elliott in giving his decision, the English cases on which the hon. gentleman said the judge ought to have acted as being better law than the law of the Court of Appeal? Did they forget to show that it was necessary that this judge himself should in the first place find out those cases? Now, it is very laughable to find him strengthening his judgment by giving a quotation from one of the judges. He quotes from Hartly *vs.* Halse, 22 Q. B. Div., where Coleridge, C.J., said:

"Where a statute directs that a particular form shall be used, and a form is used which omits some essential element in the statutory form, the use of the defective form invalidates the proceeding."

That is one of the judgments upon which Judge Elliott based his decision. If there had been a form of notice in our statute, and that form had not been given but a different one had been given, I could understand how it would strengthen the judgment, but no such form prevails. But the learned judge comes into conflict with all these decisions that are given. Now, no man has a right in this place to impugn the motives of a judge. All I say is this: I submit that a County Court judge who has read the decision given by the judges of the Court of Appeal, in the province in which he lives, and gives contrary judgment, does not act as I would expect a judge of the Supreme Court to act. But when it is taken into consideration that from his judgment there could be no appeal, even if he did not accept the judgment of the Court of Appeal, it can be well understood, if he had partisan ideas, if he was kindly disposed towards the Minister, when his judgment could never be attacked except in this Parliament, how easy it was for him to give the judgment that he did. That is only one of the many things that have happened from this miserable Act, which is framed in the interests of men who may use it for their own purposes. Now, when Judge Elliott gave his decision, did he have any idea of what he wanted done? I find in this pamphlet that he states that in November last an appeal was heard before him as to the validity of a notice under the Dominion Franchise Act, and he says:

"I then expressed my opinion that this notice was invalid for the reason that it did not conform with the requirements of the Dominion Franchise Act."

He goes on to say:

"Had this expression of opinion been carried into practical effect, the name of Allan and others similarly situated would have been retained on the voters' list unaffected."

He means by that statement that if his expressed opinion in November had been taken by those parties, those men would have been on the list, and he would have been safe in giving this other judgment. Did it not look at the time he was giving the judgment in November, when he gave that expression of opinion, that he was looking forward to the same thing happening again? I do not say he was, but taking that expression of opinion in connection with the other matter, it appears that he understood from the beginning what he was going to do. Does a judge do what he likes in retaining those names on the list and declaring they have a right to vote? I take it that the revising barrister had just as good an idea of what votes should be on the list, particularly a revising officer appointed by the present Government, as any other man, and no evidence that could be given would lead him to do that which was against the interest of Mr. Carling and his party. This, to my mind, is a very important point, that the revising officer himself found that over 200 names were not entitled to vote because they did not possess the franchise. The hon. gentleman who last addressed the House spoke of the fairness shown in the statement of Mr. Hellmuth that he would take a number of those votes and would show that they had a right to be on the list; that is to say, he would go before Judge Elliott and would prove that, although they were left out by the revising officer, they were entitled to vote according to the decision of Judge Elliott. That was not a great stretch of generosity, for if the judge was so much of a partisan as to allow himself to do in his judicial capacity that which he ought not to do, it was easy to get those names placed on the list. It must not be forgotten in the discussion of this question that the conduct of Judge Elliott had the effect of returning the member to this House who now sits here, not as the representative of London but as the representative of Judge Elliott. If the position taken by the petitioners is correct, namely, that these names had no