

I think hon. gentlemen will admit that that question has something to do with politics. The last of this series appeared on the 9th of February, and the questions are very much of the same character as the others. For instance, I find the following:—

"I have read not only Mr. Gibbons's pamphlet, but also the various speeches on this side of the question, and so far as I can make out, they all blame this protective system for what they regard as the unprogressive state of Canada, and yet, as I have said, with matchless inconsistency they advocate the adoption of the higher duties of the United States. This is a fatal blow on their prescription for prosperity.

"Do you regard Mr. Blake's separation from the Liberal party as an act prompted by sincere motive?—We have no right to impute any motive but an honourable one to Mr. Blake; and I affirm that neither Mr. Gibbons nor any other man can effectively answer Mr. Blake's letter on his renunciation of the policy of the Liberal party on this question."

At another place he goes on to say:

"Now, having advanced in this discussion so far, I would like to ask you, as one of the Liberal party, what policy you propose to adopt in relation to the trade of this country? Well, my feeling is this, that Canada is in such a condition that some great change is necessary for her recuperation, and I don't wonder that Mr. Scory, Mr. Gibbons and others are discouraged and despondent. Answer—Yes, there it is. These gentlemen and others who are politically associated with them are for ever depreciating the country. They say: Behold how the population stagnates? See how property is appreciating in value. See how our railways are badly managed. See how everything, in fact, is going to destruction. It seems to give them gratification to find fault, and to disparage the country. Everything in the States is so excellent. The farmers there are so flourishing, property is so valuable, manufactures are so profitable, but all this laudation of the States and depreciation of Canada is a miserable policy. Is it not the last resource of disappointed office hunters? Differences of opinion we shall always have, but when party rancour is carried so far as to find satisfaction in representing the country in an unfavourable light and thus discourage immigration and create a prejudice against the mother country, I say when these things are done, as we know they are, it is time to ask Canadians to unite in their denunciation of a policy so unworthy and so unpatriotic."

The little narrative stopped at this stage. The Liberal did not appear to have asked any more questions. The judge had succeeded, in his own mind, in answering these questions satisfactorily. Now, on the 18th of February, the Court of Appeal delivered the judgment to which I have referred, and up to that time Judge Elliott had some chance of a decision being in his favour, enabling him to decide in favour of the allowance of these bad votes. But on the 18th of February the judgment of the Court of Appeal was given, which, so far as that court could go, cut away from him that very last chance; and on the following day there appeared the following article in the *London Free Press*, which article we also charge having been written by Judge Elliott, in proof of which I have sworn evidence.

Mr. DAVIES (P.E.I.) When his judgment was pending?

Mr. MULLOCK. The Court of Appeal had delivered judgment, but he had not. His judgment had been reserved, and it was not delivered until 15 or 20 days afterwards. On the 19th February, however, the pen that subsequently wrote the judgment seating Mr. Carling, wrote this article:

"In comparing the two candidates for this city in a personal sense there is a vast inequality. There never was in the Dominion a shrewder or keener judge of human character than Sir John Macdonald. Like Disraeli, it was his strong forte instantly, by a sort of intuition, to perceive what a man's qualifications were. Mr. Carling first appeared in Parliament on his election in 1857. As William Lyon Mackenzie said, in good looks

he surpassed all others in that assembly. And good looks are not to be despised as an index to character. But Sir John went deeper than external appearance. He saw that there was a young man not only of a winning aspect, but that his qualities of mind and heart were well represented by his countenance and demeanour, and he at once put his trust in him, and up to the last moment of the old warrior's life he never faltered in his confidence in John Carling. And why had he and others such confidence in John Carling? Because they found in him that good solid sense, judgment and tact, and that plain, unfailing integrity which among men is often more potent than the most brilliant talent. Every one possessed of any sagacity must see that Mr. Carling possesses faculties which constitute an essential element in cementing and influencing a party, and in promoting the interests of his constituents. He has been well tried in the fire of experience and not a particle of confidence that has been bestowed upon him has ever been betrayed, and his influence is scarcely exceeded in the case of any one who can be mentioned in securing for his constituents all that they can by any possible fairness be entitled to. But where are Mr. Hyman's qualifications? There is no brilliance about him, that is certain. He has a few sentences about trade which he has learnt by heart. But any one can easily pick out 50 young men as gifted as he. Then, where is his talent for dealing with and managing men."

He could not manage the judge, evidently.—

"He has passed through no ordeal like Mr. Carling. He is a new experiment. He has shown no power to influence men or gain their confidence as Mr. Carling has done. He can play a good game of tennis with some nice little girls, and can sip his glass of wine pleasantly in their company. But where there is that masculine, strong, common sense and tact of judgment which give an immense advantage in obtaining such benefits as a constituency looks for in fairness and equity? It is ridiculous to compare the two men in capacity to accomplish advantages for a constituency.

"Now, if Mr. Carling were not a Cabinet Minister, the comparison would be most unequal. But when we consider that Mr. Carling occupies that position, and under a victorious majority in Parliament, any comparison in a personal sense is absurd. So much for a personal comparison. In a political sense, there is something yet to be said."

The affidavit I have does not cover further extracts than these, but I am told that the *Free Press* of that month, prior to the election, was teeming with similar articles emanating from the same pen. Now, Sir, I presume there is no hon. gentleman here who would say it would be a decent or a proper thing for a judge, whether he has to deal with anything connected with an election or not, to appear on a political platform either in connection with that or any other election. I cannot conceive of any justification nor of its being possible in any way to palliate the action of a judge in appearing on one side or the other in a public gathering and manifesting an active party interest. If that would be a sound proposition, much more I think should this particular judge have been guarded in his conduct, considering that he was likely in a few days to be called upon to determine to whom the seat went, and if it is wrong if it is indefensible for a judge to go on the platform and utter a political speech, to give expression to political sentiments, much more must it be wrong if he addresses the electorate through a newspaper. In addressing an audience, his words may but reach the ears of a few hundred people, but, when he writes in a newspaper, the audience is much greater and the influence is greater, and under all the circumstances I am unable to understand how any hon. gentleman can for one moment under the circumstances of the case refuse to Judge Elliott, if he be innocent, an opportunity of answering the petition, or, if he be guilty of enabling this High Court of Parliament to deal with him as this motion proposes. I think the motion is a