

laid before it, it refrained from pursuing that duty. This House forms part of the great council of the state, established for the purpose of advising the Crown as to the course it ought to pursue. The Governor General is the Executive officer, he executes according to the direction of this House, practically, under the constitution; and Parliament has vested certain powers in the Governor in Council, under certain circumstances, to direct an enquiry into the conduct of a public functionary, and the tribunal above all others, I should surmise, which ought to be in a position to determine whether the time has come, and whether the acts justify the issue of an inquisition, is the House of Commons and the Parliament of Canada. Sir, if any hon. gentleman will look at the statutes he will find that every judge of the County Court shall hold his office during good behaviour, that a judge of a County Court may be removed from office by the Governor in Council for misbehaviour. How are the initiatory steps to be taken? Who is to advise the Executive in the first instance? Who is to control the Executive? Is the Executive Council of His Excellency to stand a body removed from Parliament, not amenable to Parliament, and not to take the advice of Parliament? The thing is preposterous. Hon. gentlemen, therefore, will see that the argument of the Minister of Justice, when followed to its logical conclusion, removes from this House matters of great public concern with respect to the administration of justice, for which this House cannot relieve itself of responsibility, and for which, when the facts are brought properly before it, they are bound to take the responsibility of advising one way or the other. Now, let us see what position these judges occupy. I am one of those who feel disposed to pay all proper respect and deference to County Court judges or Superior Court judges; but I draw a broad distinction between the manly respect which I entertain for the bench, and the cringing servility that we very often see exhibited towards it. These are merely men of like passions with ourselves, and I regret to say that I cannot join in the expression which has fallen from hon. gentlemen on both sides, my experience does not justify me in joining in the opinion that when these gentlemen go on the bench they leave their politics behind them. Sir, I submit to this House as a proposition of so grave a nature that it should not be cast to one side, that when the conduct of a County Court judge is alleged by 47 petitioners, voters of full age, British subjects, competent to vote for members of this House—when they allege with particularity that the conduct of a particular County Court judge in a matter affecting the election of one of its members, has been such that if the facts were proved his removal from the bench must follow, the House ought not to hesitate for one moment as to what course it should take. This is a proposition which hon. members should bear in mind. Admitting every fact alleged in the petition to be true, is it possible that Judge Elliott could with self-respect, or with credit to himself, or to the state, remain any longer upon a County Court bench? If he can, it is no use going on with the enquiry. If this House of Commons determines that pending a judicial enquiry before a judge of the land, it is competent and proper for the judge to rush to the party press, to write editorial articles of a violent partisan character, and, to use the words of the petition, to write letters to

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the public under an assumed name, violently attacking a litigant whose case is before him for judgment; if this House determines that a judge can decide with judicial impartiality who writes violent and bitter diatribes against the man whose case he is deciding, then I tell them to vote against the enquiry. Let the public know that a man can be a judge, not as an English judge is understood to be, but a violent political party hack and a judge at the same time. But I do not think that is the rule this Parliament is going to take. These judges occupy positions which make them differ from all other public functionaries. No action will lie against them for any judicial act; even if that act is alleged to be done maliciously and corruptly, the courts of the land are closed and you have no redress; I would almost go so far as to say that if a judge expressed that his judgment was malicious and corrupt, you have no remedy in the courts of the land. And where are you drifting? From time immemorial there has been a high court to which every subject having a grievance can appeal. That high court is in session now, that high court has before it the petition of electors in London who say that the constituency to which they belong has been wronged by a judge who forgot the position he occupied—mind you, my argument is entirely based upon the admission that these statements can be proved—who failed to remember that he occupied a position which precluded him from becoming a political partisan; and that being the case, they call upon us to do justice in the premises. Sir, we have had it called in question whether this Parliament has a right to interfere in matters where the administration of justice is concerned. I will not rely upon my own opinion, but like the Minister of Justice, I would ask the House to read and reflect upon the decisions given by the high court of Parliament of Great Britain and the opinions given to that Parliament by some of its most eminent men. Some years ago a resolution was brought into the House of Commons condemning Baron Smith, one of the barons of the Exchequer of Ireland, because he had forgotten himself so far in his addresses to the grand juries of some counties as to import strong political matter into these addresses. A resolution was proposed based not in a petition from electors, but emanating from a member of the House, on his responsibility as a member. That resolution condemning Baron Smith, was, in the first instance, carried by a majority of the members of the House of Commons and afterwards reversed by a small minority. Upon that occasion a very eminent man, the late Lord Derby, who was for some years Prime Minister of Great Britain, laid down what the law was in his opinion upon these matters—and I am now speaking upon the one point whether it is proper or improper for Parliament to interfere at all in these matters, or whether they are to be left to some other tribunal. He says:

“The propriety of the administration of justice is one of interest and importance to all persons in the country, and being so it is a subject that, without false delicacy as without unnecessary interference, this House is bound to watch over as that which is dearest to the country.”

Sir, that was the opinion of the most distinguished statesman of Great Britain, and I call upon the Commons of Canada to adopt that opinion in the present case. Here is a case where the propriety of the