

[1808

1808]

SIR JAMES HENRY CRAIG.

7

tors overawed with the apprehension of incurring the displeasure of the Judge, who in his judicial capacity might pervert the ends of Justice to gratify personal pique, could not be presumed to be free, and uninfluenced by such a candidate. That in England the Judges were ineligible to a seat in the House of Commons, and in fine, that the artifices and intrigues incidental to popular elections, were unbecoming in a Judge and a mere prostitution of the judicial dignity. These and similar arguments were industriously propagated, and gained ground rapidly in the public opinion. The opposite party contended that no such disqualification existed in virtue of the constitutional act* by which alone the Colonial Legislature was to be guided, and that to create such, would be an intrenchment upon the rights and privileges of the Imperial Parliament of Great-Britain, which, it would not fail to resent. That it would be absurd as well as dangerous to admit the right in a constituted body, to amend or modify in the smallest degree the act of the constituting power, upon which the very existence of the former depended, and therefore, that the Provincial Legislature was incompetent to disqualify any description of His Majesty's subjects from being eligible to a seat in the House of Assembly. The former opinion prevailed in the Lower House, but was discountenanced in the Legislative Council.

Another question somewhat similar to this was agitated during the present Session. A Jew of reputable character having been elected and returned for the Town of Three-Rivers, it was contended that his reli-

* The Act of the British Parliament 31, Geo. 3, chap. 31, which gave to the Canadas their present Constitution