gainsay it, that if there is no jurisdiction, I do not care if ten Superior Courts gave judgments or opinions, it relieves no judge from the responsibility on his oath of giving his own judgment. It is a principle which not even a third-rate lawyer dare gainsay, that if a court pronounced judgment without jurisdiction it is totally void and is not quotable as an authority in another court. There was, therefore, two questions involved, the question of jurisdiction and the validity of the notice of appeal. It was Mr. Hyman's friends who insisted upon Judge Elliott giving judgment. Why did they not wait to file their protest, and then all questions of law and fact could have been raised and if advisable in the opinion of either party carried to the Supreme Court, and Judge Elliott never would have been put into the position they forced him? That is in my opinion a strong point. They forced him into this position, and what did they do before he gave judgment? Their party newspapers threatened him about his judgment, and an hon. member of this House so far forgot himself, the day before it was rendered, that he got up here and spoke of what would happen with regard to the judgment, and had to be called to order by the Speaker and made to withdraw. This shows a strong organized feeling which is most unjust and unfair to the judge in regard to this matter. Mr. Hyman's friends said that he must go on and give his decision, and that was the way they treated him for complying with that request. Let me read from what happened in the court to show how strong was the insistence upon Judge Elliott giving his judgment. Mr. Aylesworth, a counsel from Toronto, went up to London on behalf of Mr. Hyman, and he said:

"We ask that judgment may be given now on the appeals that were before Your Honour in December last. As to what the position of matters was in December I understand that on the appeals which are now in question—some 229 in number—coming before Your Honour, and it appearing that the only point in question was the sufficiency of the notices of objections to the votes that had been given by Mr. Lilley, it was pointed out to Your Honour that an appeal was pending before the Court of Appeal at Toronto, and it was thought by Your Honour that it would be well to await the decision of the Court of Appeal before any judgment was pronounced. It was, therefore, postponed. That decision has now been had, and it is submitted on behalf of Mr. Lilley that this fact and the facts shown in Mr. Magee's affidavit as a reason why there should not be any further waiting for the decision of any other court. I need not point out that the judgment of the Court of Appeal, of the High Court, or the Supreme Court, are judgments that are useful only in interpreting the law in the opinion of the learned judges on any particular point upon the decision of Your Honour. But as a matter of respect that one court would pay to another court Your Honour would be governed very much by these expressions of opinion. We are justified, we think, in asking you not to delay longer the disposing of this question which has now become of so much importance. We urge upon your consideration the vital consequence to the city and people of the whole country that this case should be settled. All the parties are interested in having it settled, and the man who is the choice of the majority of the duly qualified electors shall be returned, and shall hold the seat. So much depends on Your Honour's decision in this case that we've taken this somewhat unusual course, and with Your Honour's permission presented our reasons to you. The question of the validity of the notices has already been passed on—not that I argue it as binding on Your Honour—but I draw your attention to that."

Mr. Hellmuth, representing the other side of the question, spoke as follows:—

"I contended upon that application, and I opposed any settlement of what is really the first question to be decided in these appeals. That is, as to the sufficiency of the notice, until after the Supreme Court, to whom an appeal had been taken, was decided.

Mr. TISDALE.

"I showed Your Honour the notice of appeal that had been served upon my learned friend, and I had an affidavit of the service of that notice, admission having been refused. But my learned friend did not, at the time, pretend to say that he had not been served with that notice of appeal to the Supreme Court.

"Your Honour then asked me: Is it your *bonâ fide* intention to prosecute an appeal to the Supreme Court? And to that I answered, yes. And I have yet to learn that when I make an assertion in my capacity as counsel for appellants that I, having a *bonâ fide* intention to appeal to another court, that assertion is to be doubted or controverted in any way. I still make that assertion, and I decline absolutely to answer the affidavit which my learned friend, Mr Aylesworth, must know, would form no ground whatever for the dismissal of the appeal to the Supreme Court, and it is only on such ground that he could come to Your Honour and practically ask that you should cut off this appeal to the Supreme Court.

"Now there is a statement that they are very anxious for a decision in the Supreme Court. Now, I will undertake, if my learned friend will give me assistance, to expedite this appeal to the Supreme Court, so that it shall be heard at the next sitting. And it could not, under any possibility under the rules of the Supreme Court, be heard before the next sittings in May."

That was the insistence of these gentlemen that the judge should go on and give his judgment. Well, what did he do and what were the circumstances? Mr. Aylesworth, you will notice, did not pretend to argue that the opinions of these courts were binding on the judge. The hon. member for West Lambton also, in his argument the other day, said:

"One would have thought, under the circumstances, that the learned judge of the County Court would have had no hesitation in following the *dicta* of the Court of Appeal and the High Court of Justice. Although I do not contend that he was bound to do so, because I recognize that the judgment of the County Court would be, in a proper matter of appeal, a final judgment."

Now, neither the counsel for Mr. Hyman nor the hon. gentleman in charge of the motion contend that the opinion of that court is binding upon him; and I reassert, and I am satisfied that no lawyer will disagree with this, that if there was no jurisdiction in the Superior Courts, their judgment amounted to nothing. Now, a judge is supposed to be a great lawyer; but some men at the bar are in my opinion greater lawyers than some of our judges; but from how many of them would you accept opinions, and expect a judge to pay attention to them? He would laugh at them. Further, there was no decision given by either the Court of Queen's Bench or the Court of Appeal that amounted to a decision. Suppose the question had been allowed to go on to the Supreme Court. Hon. gentlemen may laugh, but there are too many good lawyers among them to disagree with this proposition; and suppose the Supreme Court had said that the notice was good. Would hon. gentlemen claim that the Supreme Court was wrong? Suppose they said the notice was bad, would the hon. gentlemen claim that this judge was bad in his law? We know that it is a rule that until the court finally decides, if a judge has a strong opinion, he should follow it. Hon. gentlemen forget also that the English courts had decided on all fours with Judge Elliott in several cases, that the notices of appeal were insufficient. Hon. gentlemen may shake their heads, but they certainly do not like the decision, and they have not attempted to answer and cannot answer that. The only charge against Judge Elliott, so far as his legal conduct is concerned, is not that he decided wrongfully or even contrary to law, but that he would not follow the opinions, not the completed decisions, of certain courts, though another court of equal jurisdiction had decided the other way; and the English decision, in the