

conduct of the Liberal press, be it upright and straightforward or the opposite, would, in the slightest degree, interfere with the merits of this issue, which is a wholly different one altogether. We are not now trying the Liberal press; we are now considering the case of an official of the Crown; therefore, I fail to understand what the action of the Liberal press of Middlesex or elsewhere had to do with the alleged crime of Judge Elliott. I may say that the Chief Justice of the Province of Ontario will not thank the hon. member for East Lambton, nor will those other law officers to whom he alluded, when he endeavoured to protect the position of Judge Elliott by classifying him with them. He attacked the standing, he said, of some of the petitioners. He said it was right that Judge Elliott should know who his accusers were, and as if that were a defence, as if it were a reason for not considering the conduct of Judge Elliott who is said to have committed a crime, the hon. gentleman proceeds to attack the petitioners who had not committed a crime. He sought to discredit the first and the last of the petitioners; I have not counted the number, but there are at least twenty or thirty prominent citizens. As to the first of these petitioners he says, he is not to be believed, he is not to be considered in this House, because, forsooth, he took part in a previous election case, and because on one occasion he had partaken freely of pigs' feet, and on another occasion had strengthened his weary nature with lager beer, and for these reasons the first petitioner was not to be considered a credible witness against the judge. Then he made some passing allusions to the last petitioner and because he could make these running comments upon a couple of the petitioners, he asks this House to ignore the charges that these responsible men have made, made openly and manfully over their hands, and presented to this House in the only constitutional course open to them. I fail to see how the status of the petitioners has been so shaken by anything that has fallen from the hon. member for East Lambton, as not to entitle their statements, given in this petition, to that credence that ought to be given to any given number of men who, up to this moment, must be considered as respectable citizens. It is well to bear in mind that the member for East Lambton was specially guarded in denying nothing. I presume if he could have given a denial to one of these charges, he would have done so, but as an astute lawyer he knew it would be better for him not to commit himself to such a position, and he simply took the ground: Prove your case if you can; in the mean time I will not commit myself by saying these charges are unfounded. But one of the most extraordinary reasons that was ever assigned for a judge refusing to follow the decision of the Court of Queen's Bench, was that the decision was not in writing, that because the Queen's Bench did not choose to reason out their decision but gave it immediately after the argument, orally from the bench, that that was a sufficient reason for their decision and their pronouncement of the law being disregarded. I am sure there is no member of the bar, no man of common sense, I care not what his calling may be, that will not see the fallacy of such a reason as that. He said that Judge Elliott was warranted in disregarding the decision of the Court of Appeal because the court had only given an opinion. Why, they had given a decision based on argument. The

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very point in issue was argued by learned counsel on both sides before the Court of Appeal, and although that court at one stage, in giving judgment held that it was not necessary for them to deal with the one point, yet when pressed by counsel on both sides, they proceeded to deal with it. They did not deal with it as a point that had not been argued before them. The judgment of the court, or what the hon. gentleman calls their opinion, was on the point on which the case had been taken to the Court of Appeal. It was the main point in the argument in the case before the court, and although the judges chose to say: "This case may go off on another point and it is not necessary for us to deliver judgment on the particular question as to the validity of the notice, yet as both counsel ask us to give judgment, and as we have made up our minds, we are prepared to deliver judgment:" they gave judgment on both points, both points being decided against the contention of Judge Elliott. But one point would have been sufficient to have determined what future action should be taken. The hon. gentleman said that although those two courts had given those judgments adversely to Judge Elliott's opinion, Judge Elliott in reversing judgment had at no stage undertaken to follow the judgment of the Superior Court. Is that not an extraordinary proposition? A judge who is trying a case, which by certain process gets into appeal, says to counsel: "I reserve my judgment until the Superior Court, where the appeal is now carried, delivers judgment." On what principle does he reserve judgment, if he is not to be governed by the decision of the Superior Court? Was he performing an empty and hollow sham when he said: "I will reserve judgment to see what the Superior Court thinks, to ascertain what, in that court's opinion the law is," if after that court has stated what the law is, he is going to ignore the law? The very fact that he reserved judgment until the Court of Appeal gave judgment was an implied undertaking that he was going to act as every upright judge would act, be governed as regards the law by the opinion laid down by his superiors. Yet we are told that because he did not give an undertaking that he would follow the law, he was, thereby warranted in disregarding the law. Then the hon. gentleman, instead of having the courage to say that the clause in the petition which charges Judge Elliott with having inserted partisan articles in the press, and with having taken a partisan attitude, in talking to his neighbours in the city of London, was incorrect, instead of denying the accuracy of those statements, if he could, what is his defence? It is a defence which goes to the very foundation of the very judiciary of the country. He says, is it to be the case that when a man takes a position on the bench, his mouth is to be thereby closed on political questions? What does he mean by the expression? The first thing that happens to a man who takes a position on the bench is that he loses his qualifications to be an elector. What is the meaning of that feature in the law? We cannot prevent a judge entertaining opinions. We all have our opinions, and I have no doubt that judges, who take office, politicians as they may be, and as most prominent men in Canada are, as a rule lay aside, so far as may be, their political views once they accept the ermine. I venture to say there is not another case on record, I can recollect none at