tion as owner or tenant, and his right to that character as defined in the Franchise Act. Under such a notice he would not I conceive be liable to attack on a merely personal ground, as post office or customs official, &c., &c."

Chief Justice Hagarty goes on to say that he does not think they would be allowed to go into any objection except as to the qualifications. Mr. Justice Burton says:

"As to the suggestion that the revising officer could under it enter upon the consideration of another and distinct ground of disqualification, my inclination is against it, although it is unnecessary to venture a final opinion; but, to call in aid again the old system of pleading and the reasoning by analogy upon it, I think it would have assumed the shape of a plea in confession and avoidance—thus: we admit you are apparently qualified as a landlord, but we set up that you are disqualified as an alien or as one of the parties disqualified under the Act, and possibly without such an affirmative statement the objection would not be open."

Now, when hon. gentlemen charge Judge Elliott with having it in his mind to allow these voters to remain on the list with the object of giving the seat to Mr. Carling, I say that if he had that intention he could easily have carried it out and at the same time have appeared the fairest possible man. He had there the decisions of Chief Justice Hagarty and Mr. Chief Justice Burton, and some of the other judges I think went nearly as far, who said he could go on to consider the qualifications, but could not enquire into other things. He could not enquire whether a person was of age, whether he was a British subject, whether he had resided one year in the locality, whether his income was derived in the Dominion or outside, whether he was a farmer's son or an owner's son. Now, a list of the parties struck off is given here by the revising officer. Take the first name on the list, Lewis Allan. Evidence was given to satisfy the revising officer that he did not reside in London. But under the amended notices, according to the decision of the judges, he would not be permitted to enquire whether he resided in London or not. The next case was that of R. J. B. Moore, who lives in South London, according to the testimony of his brother. He could have enquired into that case, even under the amended notice. Of course, the judge decided that the revising officer could not have gone on and heard these cases, but limited the matters into which he could enquire. I think there were 75 names struck off this list, for the simple reason that the parties were not living at the time or had not a sufficient residence within the electoral district of London to qualify them to vote. There was nothing to show that they had not the necessary income or were not of age or British subjects. The simple fact was that they did not reside for the specified number of months previous to their applications in London. These are the objections which are not covered by the notice given; and so Judge Elliott, if he were plotting and scheming as parties on the other side say he was, could have gone into these cases and with the most apparent fairness have decided that these 75 names should remain on the list, whereas the revising officer struck them off; and he could have done that under the judgment delivered by the Court of Appeal. How can any person say that Judge Elliott, for the purpose of returning the Hon. Mr. Carling to this House as the member for London, would undertake without good reasons to give a decision contrary to those of the Court of Appeal, and the Court of Queen's Bench, when he could have decided quite as effectively and given a decision on other grounds and in accordance with the decision of the majority of the Court of Appeal? Now, in the petition the County Court judge is not attacked for doing anything wrong. It does not set forth that he has done anything wrong in regard to the revision of these lists. The solicitor who appeared on behalf of the parties objecting said that he was not bound by the decision of the Court of Appeal; and even if he were bound, there is nothing to show from the evidence taken before the revising officer that more than twenty or thirty of those who voted in the election should have been struck off, and I understood that in other cases, in the case of twenty-three, on one side or on the other, the County Court judge had accepted evidence that was given before the revising officer. In this case he might have done the same thing, and have retained 75 of those who had voted for Mr. Carling on the list, and have come within the judgment delivered by the Court of Appeal. I say, then, that I think this shows a considerable amount of fairness on the part of Judge Elliott. It shows at least that in the judgment he gave he must have been convinced he was right, when he could have resorted to another matter if he had been so disposed. If he was anxious to have the hon. member for London returned, he could have come within the Act and within the judgment of the Court of Appeal. With regard to the writing in the newspaper, I do not think we are bound to take any notice of this. I have no doubt but what members on the other side would judge very differently from members on this side as to what constituted violent language at the time of an election. I have no doubt that Judge Elliott expressed himself in favour of Mr. Carling as a better representative, and in this he was in accord with the people of London. Hon. gentlemen opposite would characterize his expression of opinion no doubt as very violent language. One of the first essentials in an indictment is that the words must be distinctly set forth. I know of one celebrated case which came under an old statute against swearing. A man was brought before the magistrate for having used 50 oaths, but the magistrate refused to entertain the complaint until the party complaining set out the words which he considered as constituted swearing; and on his setting them out, the magistrate found that they did not amount to an offence. I have no doubt that hon. gentlemen opposite would consider as violent language at the London election what this side would consider as very moderate. I believe, in the first place, that the decision of Judge Elliott was strictly in accordance with the provisions of the Franchise Act, and, in the second place, I do not see that there is anything in the petition which Judge Elliott should be called on to answer. I believe a judge of a County Court or even of any of the inferior courts should not be afraid of rendering justice, and we ought to allow the judges full liberty to dispense justice without any fear of being brought before the courts of Parliament or any other courts. I believe it would be an injury to Judge Elliott that he should be called upon to answer a vague, indefinite charge of this kind, which, even if true, he should not be called upon to answer, at least until he was furnished with the very words, the very language he is accused of having spoken during the London election.