

were defeated? Did they file a petition and go to the courts? It is ridiculous to talk about Conservatives entering into a conspiracy to wrest that stronghold of the Conservatives from the Reform party, to which it never belonged. The records of the courts show that it never belonged to them, they show that fact in the case of John Walker, and if the personal charges had been pushed against Mr. Hyman it would have shown the same result. I challenge hon. gentlemen opposite on that point, because they had the chance to protest the election and they dare not protest it; and when I come to the legal part of my argument I will have some remarks to offer on this subject, because it will have a strong bearing on the case. No, they lost their money, they lost their honour, and they lost the election, and something must be done. They dare not go into the courts. They knew their candidate could not stand the light of an investigation and a cross-petition. What did they do? They said: "We will compel the Judge of the County Court, who had not given judgment in regard to the disputed votes, either to give judgment in our favour or we will try to ruin and disgrace him." Am I justified in making this statement? I think I am by what followed. What did follow? Who was the judge they had ventured to attack? He is a venerable man of 70 years of age, who during a quarter of a century has presided over the hundred thousand people who live in London and the county, who is respected and admired personally by every person who knows him, who is well known in the city, and the country round, as well as in the province, as an honest, straightforward, kindly christian gentleman in private life. He is revered and respected for his uprightness, impartiality and wisdom as a judge, and loved for his kindness of heart. This old man, against whom not a breath of suspicion had ever even been whispered either as to his judicial or private life, which the hon. member for Lambton (Mr. Lister) will no doubt admit, is the man and the judge whom they resolved to attack. I say shame upon the cause and shame upon the men who resort to such an expediency when their political passions are excited. I am not following up the legal features of the case as closely as some hon. members who have preceded me have done, and some who may perhaps follow will do, but I am dwelling more particularly on the position of the judge. What were the circumstances? Let us give them fairly, in order to see where we stand. The House well knows that London has a revising officer, who is not the county judge, and he proceeded with the work of revision. Then there is an appeal, under certain circumstances, from the revising officer to the county judge. We know that it cannot be gainsaid that on the 20th November, this appeal came to him; it was the first time in which the notice was in dispute, and he decided that the notice was bad. It is important that there should be no question about that fact. I did not suppose any doubted it.

Mr. MILLS (Bothwell). He expressed an opinion, but at the same time he said he had not jurisdiction.

Mr. TISDALE. No. Now here is Mr. Lister's own statement of it, that is the judgment of Judge Elliott on the 20th November:

"I am of opinion that under the 33rd section my power is confined to the action of the revising officer in dealing with the list; that is to say, as to proper admission of

names or the exclusion of them being as to something which is or should be in the list or which ought not to be in it. It is not said that there is an appeal to the county judge as to the proceedings of the revising officer, which would be a comprehensive term, such as is used in section 26. I consider that I have no authority to interfere with the action of the revising officer in amending or adjourning the court to a future time. Whatever may be the importance of my ruling as to the question whether the notice in question is insufficient or invalid and null and void, as I am pressed to decide I do so, and rule as I have said, that it is invalid under the Act and so far the appeal is sustained, but in respect to my authority to interfere with the revising officer's power to order amendment or to adjourn the court, I do not entertain the appeal."

Now that is plain. He entertained the appeal so far as the notice of appeal was concerned and held it bad, and what happened subsequently showed that he was quite consistent. When the revising officer went on afterwards and struck off some of the names because of his allowing them to be amended, then a subsequent appeal was taken to the judge to restore them under his ruling that the notice was invalid, he the judge ordered them to be restored to the list as he had a perfect right to do. Therefore both of his judgments so far as that part of the case is concerned were consistent with each other. At the time of the election Judge Elliott had held that the notice was not valid, and by the proceedings against the revising officer, the Queen's Bench had held that the notice was valid. The Court of Appeal declined to give a judgment, but upon pressure as has been stated, three of the judges expressed an opinion, the other judges declining to express any opinion that the notices were valid. An appeal was taken to the Supreme Court from the Court of Appeal, so that as far as that question goes, there has been no final judgment yet. What else happened? The Court of Chancery, a court of equal jurisdiction with the Court of Queen's Bench which the hon. member for West Lambton (Mr. Lister) quoted, decided that in such cases no Superior court had any jurisdiction to interfere with the judge at all. That was the position at the time of the election. Let me summarize it. The Court of Queen's Bench had given a judgment. It was appealed to the Court of Appeal which gave no judgment, but only expressed an opinion, and their decision stood appealed to the Supreme Court, and the Court of Chancery had decided in another case, but on the same principle, contrary to what the Court of Queen's Bench decided, and that was not appealed from. That was the way it stood at the time of Mr. Carling's election which is now in dispute. Then what happened, and who caused it to happen, and that is an important point in my opinion. What happened was caused by the Hyman party. It was not the voluntary action of Judge Elliott that he gave any decision after the further appeal had been made to him, but it was the Hyman party that insisted on his going on and deciding it. Let me show the hardship of that, and let me put that as a strong point justifying the line I am taking, and unanswerably justifying it in my opinion under these circumstances. Had the Hyman party left Judge Elliott alone, he would have pronounced no judgment. It is claimed that a lot of these votes should have been left off the list, and were depending on the validity of the notice of appeal. There was not only a question as to whether the notice of appeal was valid or not, but there was the question of the jurisdiction of the higher court. Let me say here, and no lawyer can