

Why Judges Are Disqualified.

Some persons had asked why Judges were disqualified. They were disqualified because they had always been disqualified; they were disqualified because they had been disqualified from the beginning. The constable is qualified because he has always been qualified from the beginning. (Liberal applause.) What Judge wants to vote? Who is it cries out, "A Judge is disqualified; a great hardship is placed upon him"? What newspaper is it that cries out, "We are the great disqualifiers"? The great disqualifiers are the Sandfield Macdonald Government and the acts of Parliament before Confederation. (Liberal cheers.) He had never heard any Judge complaining, and he thought the country would be surprised if a Judge came forward and said he was anxious to vote. He had not the slightest hesitation in saying that a Judge should not have a vote, or, if he had a vote, he should not exercise it. Officers of the customs, Clerks of the Peace and County Attorneys were disqualified because, he presumed, they were collectors of revenue from the country and because they held in their hands to a very large extent the rights and privileges and property of the people—they were revenue collectors for her Majesty. This was held to be good ground for disqualification, and no one up till now had questioned the righteousness and necessity of it. At the same time there were some who could be relieved from that disqualification, but he had never heard that any of those persons had themselves raised an outcry upon the subject.

The Question of Retreat.

And it was urged by the newspaper press that they had beaten a retreat, and they had not said it in a tone of rejoicing. As he understood it, most armies could see nothing which made them happier than the retreat of their enemy. Most men, in any contest whatever, feel that if their enemy has retreated the time for firing shot and shell has passed, and therefore if his hon. friend believed there had been a retreat one would have thought that they would have rejoiced, and the newspaper press upon the other side would have rejoiced. But he had not seen in the press or elsewhere as great indignation over this reported retreat as was caused by what they thought would be the original measure of the present bill. It had been said they had changed their views. They said the bill which he was about to introduce, and which he foreshadowed, was not the bill which they called the House together to pass, and they went further and said that since they had met their friends they had found objections to the bill which they originally determined upon. There could not, he said, be one word or one iota of argument or proof found in support of the assertion. (Liberal cheers.) No Reformer with whom he had talked, no Reformer of whom he had heard, whether it was a member of Parliament or whether he was outside of the ranks, had expressed one solitary word of opposition to what the newspaper press stated was to be their measure, namely, following the precedent of the Ottawa leader in 1887. There had been no remonstrance to the move from any Reformer in the House

or out of the House. They were wrong in their supposition therefore that there had been a change upon that ground; it was a false supposition, entirely without foundation. (Government applause.) He believed to-day the Reformers of the country and the Reformers in that House would have been better pleased if they had brought in a measure, or intimated their intention of bringing in a measure, on all fours with that which the newspapers foreshadowed and which was based on the original memorandum explaining the necessity for calling the House together. (Applause.) It was reiterated from day to day in the press that they had changed their views, that they had retreated—(Government laughter)—that they had backed down, they were "on the run"—(laughter)—and a variety of other expressions which they always read with interest. Was that so? he asked. He would at some stage of the discussion on the bill also ask his hon. friend to point out anything in the pamphlet which positively indicates that they were to have one bill rather than another, whether both of the questions were not laid before the country—either of appealing to the court or of following the precedent of 1887. Either of these courses from that pamphlet or memorandum was quite open to them. (Government applause.)

The Question Left An Open One.

From this original memorandum he read the following: "It appears therefore to the undersigned that the Legislature should be asked to deal with the question in such a way as may seem reasonable and just." (Liberal cheers.) That was their proposition; it was the only proposition they made. Another: the pamphlet went on in half a page and drew attention to the following:—

"In this connection it may be important to observe that the Federal election act formerly contained a clause similar to the one now in dispute (viz. section 6), forming part of the act respecting the election of members for the House of Commons, with this difference, however, that in the case of elections for the House of Commons deputy returning officers and poll clerks were not specifically mentioned as entitled to vote, as in the Provincial act."

Thus it was similar, but different in this respect, that it didn't exempt returning officers or poll clerks, nor did it exempt constables. There were, therefore, three sets of officers who were not exempt, expressly exempt, by that section of the Dominion act, as against one in their case. But the great weight of the argument, the bulk of it, related to the question of laying the matter before the courts, rather than the question of following the Ottawa precedent. They had left the question open, and left it open advisedly, so that after an exhaustive discussion, or after hearing through the newspapers the opinions of the public, the Government could take whatever course might seem best. That was nothing new in Parliamentary practice. Mr. Gladstone upon one occasion, when speaking of the translation of the revised edition of the Bible, said he would advise the translators to issue some of the work as they progressed, so that