

the critics might have their say, and they would then see the other side of the case, the other side of the question. But, he said, they laughed him to scorn and pooh-poohed it, and the result was that when the work came out it fell dead. It was dead from the beginning, he said. That was not good Parliamentary practice. Good parliamentary practice was to give out, as it were, an advance sheet of what their measure was to be, and they might then hear what the public thought of it and what the critics had to say about it. He thought, therefore, that he was following good advice, a practice well known and well understood, and a practice which as great a luminary as Gladstone had sealed with his approval.

An Important Clause.

Now, sir, as to the provisions of the bill. The first section makes provision for setting down the questions in schedule for the Court of Appeal. The second provides for the postponement of trials until after the decision in which the constable question arises. Now, I have endeavored to meet the objection offered by my hon. friend from South Toronto, which I think is a good objection and I am going to take advantage of it. (Cheers.) I have endeavored to provide that where the petitioner desires to proceed and gives an undertaking that the question of the constables' vote will not be raised upon the trial, that the case shall be proceeded with as though this act had not been passed. The third clause provides for the trial of petitions; the fourth declares the rights of constables to vote hereafter, and the fifth adapts the oath of electors to this state of the law. Sections 7, 8, 9 and 10 adapt the law to the Dominion. As to the certificates of the trial Judges, they are to send the certificate to the Court of Appeal when there is an appeal.

Section 11 deals with cases under appeal from the decision of an election trial. The Ottawa act permits a person who has been unseated to hold his seat until the appeal has been decided. That is going too far. (Applause.) Our own act provides the opposite course, and that he should not take his seat. I think both of them are wrong, or rather perhaps that is too broad an expression. I think the Ottawa act is distinctly wrong and that our own act may be amended, and, therefore, I submit to the House as a substitute for the present section, that where an appeal is made from the decision of the election trial, where the member returned is unseated and the other candidate is declared to be elected, neither party shall sit until the appeal is disposed of. (Cheers.)

Section 13 provides that if a member is unseated by reason of the constables' votes, then there shall be a new election.

A Question of Justice.

Discussing the right of the constables to vote, Mr. Hardy referred to the discussion in the public press and elsewhere. Was there anything more just and in accordance with fair play than that these constables should have the right to vote in the future? he asked. If it is an act of justice that they

should vote in the future, why is it not equally as just and right that their votes should be held good in the past, as they always have been? When men who are serving the Government the whole time at much larger salaries than the returning officers and poll clerks, who are getting much more, are unquestionably entitled to vote; when these men enjoy that right by universal assent, when these men enjoy that right not as a party measure but by the unanimous vote of the House and of the entire country, why are these constables to be singled out, who are employed for twelve or ten or eight hours' service to the country to preserve the peace and keep order, or if there is no breach of the peace stand idle—why, he repeated, are they to be discriminated against and placed in a different position, either by law or by act of Parliament? It is not reasonable; there is no justice in it. (Applause.) Therefore the illustration given by the passage of the act of 1887 at Ottawa was, he thought, all on the side of the contention on his side of the House. But the Opposition said that both parties united to pass that act. Just so. That riveted the point, making it infinitely stronger than if it had been coined by a party vote. (Cheers.) The Liberals had risen superior to party feeling. They were not like some others he had seen and heard of—(applause)—they rose superior to all such influences. We as Liberals are just and fair enough to adhere closely to the principles we have always avowed, and we are not prepared to take away from these men the franchise which they are entitled to. (Cheers.) Their opponents said that the fact at Ottawa showed that the constables had not the right to vote; this act is to remove that doubt and put it out of the way; it would not leave the country in a turmoil. (Applause.) His hon. friend had sought to assume, he understood, that Sir John Macdonald's seat would not have been affected had the act of 1887 not been passed. The right hon. gentleman had a majority of 17 only, and the Attorney-General read from the petition to show that the petitioner contested the right of the deputy returning officers, poll clerks and constables to vote; the number of votes affected was therefore equal to three times the number of polling divisions in the constituency. (Cheers.) The seat of Sir John Thompson was also affected, and that of Hon. Mr. Montague, with his majority of one vote, also. (Applause.)

At that time there were in all 34 Conservative members, and later 36, in Ontario out of 59 in the House who had a majority of a good deal less than a hundred. They could see, therefore, that it was not a trifling matter. In that declaration they said "shall hereafter be entitled to vote," they declared as positively as it was possible for any person to declare that constables "have and always have had a right to vote." It was a mere declaratory act, in the words of Sir John Macdonald. If so, where would be the crime if Ontario did likewise. If so good at Ottawa, how could it be bad in Toronto? (Hear, hear.) The mere fact that it was more important here in a political sense was begging the question; there was a