

the Election of the Respondent, *Frederick Mackenzie*, as Member of the House of Commons for the Electoral District of Montreal West had on the 22nd and 29th days of January, 1874, was void, and do condemn the Respondent to pay all costs:

F. W. TORRANCE,

J.

MONTREAL CENTRE CONTROVERTED ELECTION.

JUDGMENT AS RECORDED, 13TH JUNE, 1874.

DOMINION OF CANADA, MONTREAL DIVISION, CONTROVERTED ELECTIONS ACT OF 1873.

*Montreal (Centre) Election.*

PRESENT :

THE HONORABLE MR. JUSTICE MACKAY,

*Judge of the Superior Court, and an Election Judge of the Montreal Division.*

In the matter of the Petition presented to the Election Court, Montreal Division, by *Thomas Caverhill, Duncan McIntyre, Robert McCready* and *George Horne*, all Merchants, of the City of Montreal, by which Petition it was prayed as follows:—"Wherefore your Petitioners pray that it may be determined that the said *Michael Patrick Ryan* was not duly elected or returned, and that the said Election was void, and that the said *Michael Patrick Ryan* was and is incapable of being a candidate, or of being elected or returned "during the present Parliament," and which Petition I was appointed to try.

The trial of this Petition commenced before me at Montreal upon the Ninth day of May, 1874, and was continued upon subsequent days until the Thirteenth day of June, in presence of the parties and their Counsel, and having taken and heard all the evidence, having heard the parties and their Counsel, and deliberated, I did at the conclusion of the trial, on the 13th of June, 1874, determine that the Petitioners had not proved their quality, had not proved, in manner required by law, their *status* alleged of duly qualified voters, that they appeared never to have had right to present a Petition, that they appeared without interest to complain, that they had no *locus standi*, and that there were no legal Petitioners before me, and I rejected therefore the said Petition with costs, declaring at the same time that, under the circumstances, I did not feel bound to pronounce upon the other parts of the case, but that if the House of Commons called for further Report, I would be ready to make one. I now therefore adjudge that the said Petitioners have not proved their quality alleged, to wit, have failed to prove their first allegation of Petition, that they have not proved in manner required by law their *status* alleged of duly qualified voters; that they appear never to have had right to present a Petition, that they appear without interest to complain, and that they have no *locus standi*; that there are no legal Petitioners before me, and I reject their Petition with costs, all which I shall report to the Honorable the Speaker of the House of Commons.

R. MACKAY,

*Judge Superior Court and an Election Judge for the Montreal Division, and specially appointed to try the above Petition.*

Montreal, 13th June, 1874.

Canada, }  
Province of Quebec. }

*Court of Review sitting under the Controverted Elections Act, 1874, giving jurisdiction to review Judgments of the Election Court sitting under Act of 1873.*

Re MONTREAL CENTRE.

To the Honorable the Speaker of the House of Commons:

We, the undersigned Judges of the Superior Court for Lower Canada, sitting in Review, have the honor to report and certify that by our judgment rendered on the 31st day of October, 1874, we have determined in the matter of the Petition in this case:—

1st. That the return of the Respondent, *Michael P. Ryan* is void, and that he has not been duly returned or elected.

2nd. That no corrupt practice was proved to have been committed by or with the knowledge or consent of the said Respondent.

3rd. That the names of the persons who have been proved at the trial to have been guilty of corrupt practices, are those that follow, (some of them are mentioned by their surname only in the evidence) and we have no other means of indicating them,—*Thomas Carroll, James Callaghan, Patrick Wright, Francis Connor, John McLaughlin, Philip Kennedy, Michael Costello, Butler, Thomas Massey, McCallum, Pettigrew, Forrester, Woods, James Noonan or Noomen, Pollette, Bourgue, Bourdeau, Lefebvre, Trudelle, Champagne, Gallagher, Dixon, William Waters, Brosseau, Henessy, Michael Meighan, Poupart, J. Pettigrew, Grace, Mitchell, J. Cochrane,*