of corrupt practices by a candidate, not the consequences of an unlawful act, subject as this may have been, to a penalty, and declared, by the express enumeration of the sections I have quoted as constituting corrupt practices, *not to be one* of them. If any serious discussion has been rendered necessary of this particular charge it is because the language of Mr. Mercier as a witness was inaccurate. He said he had borrowed this money from the candidate, and yet that he never intended to return it. This must have been said to cover the real transaction whatever it was. Now it was not a loan, no doubt. It was a payment or an advance of money for election purposes—prohibited certainly by sec. 278, and for that reason, therefore, spoken of as a loan, perhaps,—but unless it was made to induce Mr. Mercier to procure the candidate's return, even though it was employed by Mercier for that purpose, it could not have operated as any inducement *quoad* him. The plain words of sub-section 3 are directed against candidates buying the support of others by money, and it is quite plain from all the facts of the case that when Mr. Mercier went down to this county, no inducement was required to make him support Mr. Mr. Gaboury. On the contrary. The two condidates were both of the party opposed to him in provincial politics. He chose the one he preferred. Gaboury was his creature—(I don't mean it offensively); but certainly Mr. Mercier was not the creature of Mr. Gaboury. The money may have influenced others—but it did not influence Mr. Mercier—which is the gist of the offence charged.

We now come to another part of the case: The respondent, with his answer to the petition, made charges, as I have already observed, against Mr. Leblanc, a candidate at both elections, and also made charges against Mr. Ouimet, who had not been a candidate at all, but merely an agent for Mr. Leblanc at the first election. We will deal first of all with the charges against Mr. Leblanc; but before coming to the charges themselves, I must notice two objections that were made. The first was that this answer and its accompaniments came too late. Speaking for myself and for Mr. Justice Papineau, we both of us consider that the answer was too late. We think it ought to have been made within the five days, and that where there are no preliminary objections (and here there were none), there is the same time, and only the same time given to produce an answer to the petition. That, however, would not, in the opinion of any member of the Court, affect the counter demand produced at the same time. We, therefore, hold that Mr. Leblanc, as far as the time of filing the counter demand is concerned, is properly before the Court; and he appeared and answered the charges, and we have to consider them, as far as that objection goes. The second objection related to the question whether the two elections were to be considered as one. The general principle, and the one that was acted upon in the Argenteuil case, upon the authority of Lord Coleridge in the Launceston case, is that, until the exigency of the writ of election is satified, there is no election. It was contended for Mr. Leblanc and for the petitioner, that this principle only applies where the seat is claimed; and upon the authorities cited from the English books which are applicable to the English statute, that is so; but are those authorities applicable to our Statute? Sec. 55 of the Quebec Controverted Elections Act says: "On the "trial of a petition, the respondent may give "evidence to show that any other candidate "has been guilty of corrupt practice in the "same manner, and with the same effect as "if he had himself presented a petition com- "plaining of such election, or of the conduct "of such candidate. But before entering "into such proof, the respondent shall give "notice thereof to such candidate, if he "be not already in the case, who may "cross-examine the witnesses against him, "and produce others on his own behalf."

The English Statute, in Section 23, which relates to this point there, says: "On the "trial of a petition under this Act complain- "ing of an undue return, *and claiming the* "*seat* for some person, the respondent may "give evidence to prove that the election of "such person was undue in the same man- "ner as if he had presented a petition com- "plaining of such election." Besides the difference between the two statutes in this respect, we find that provision has been made in our statute for security for costs being given to the *candidate not elected* whose