the source of the greatest anxiety to me what to do for the best, particularly when the debtor had two or more judgments against him, as is frequently the case. And I believe few have exercised a greater amount of self-denial than the judges of county courts in upholding this painful jurisdiction." His Honour expresses the opinion that several committals should be allowed in respect of one debt, until the whole six weeks are exhausted. Another practical suggestion which he makes is, that notice should be given to absent debtors of the order of commitment made against them, and that it would be enforced unless the monthly instalments are regularly paid.

An indictment charging that the defendant *forged* a certain writing obligatory, by which A. is *bound*, is void for its manifest inconsistency and repugnancy. The Court:—"That is a wheel in a wheel, and can never be made good." *The King* v. *Neck*, 2 Show., 472, 3rd ed.

CANADA REPORTS.

ONTARIO.

ELECTION CASES.

(Reported by Henry O'Brien, Esq., *Barrister-at-Law.)*

COURT OF APPEAL.

Muskoka Election Petition.

John C. Miller, *(Respondent)*, *Appellant*, v. Andrew Starratt, *(Petitioner)*, *Respondent.*

Undue Influence—General promises by ministerial candidate—Cumulative evidence.

Appeal from a decision of Mr. Justice Wilson, avoiding the election and disqualifying the respondent.

Both the respondent and his opponent claimed to be supporters of the Ministry of the day; but the respondent was the recognised ministerial candidate, and claimed that his opponent, having originally pledged himself to support him, and then come out in opposition, could not expect to retain the confidence of the Government, and that, as the ministerial candidate, whether elected or not, according to his ideas of constitutional practice, the patronage in the constituency would be in his hands. There was a grievance in the Riding that strangers were sent up to superintend the work on the roads, and the respondent was reported to have stated at a public meeting that he would endeavour to get the evil remedied, and that "he would have the patronage, as he was the choice of the Government—he would have it whether elected or not elected;" adding by way of explanation, "It was the laying out of money on the roads and appointment of overseers."

The Judge who tried the case held (1) that such language did not amount to an offer or promise of any place or employment, or a promise to procure, or to endeavour to procure any place or employment to or for any voter or other person, within the 1st sec. of 36 Vict., cap. 2; but he held (2) that it amounted to undue influence within the 72nd sec. of 32 Vict., cap. 21, or according to the common law.

Held, that the first finding of the learned Judge was correct, but that the second was incorrect.

The respondent was charged with several acts of corrupt practice. As to four of them he took time to consider, and subsequently found three proved. Each separate charge was supported by only one witness, and each was separately denied or explained away by the respondent. There was no corroborative testimony on either side. The Judge below thought that if each case stood by itself, oath against oath, each person equally credible, there being no collateral or accompanying circumstances either way, he should hold the charge not to be proved; but as the charges were severally sworn to by a credible witness, the united weight of their testimony overcame the effect of the respondent's oath; and he felt compelled to attach such a degree of importance to the combined testimony of these witnesses as to hold that the charges to which they severally spoke were sufficiently proved in law as against the opposing testimony of the respondent. *Held* that this view could not be sustained, and the appeal was allowed.

(January 22, 1876.)

Appeal from the judgment of Mr. Justice Wilson, before whom the case was heard on 20th to 23rd July, 1875; and who found the respondent guilty of corrupt practices.

At the close of the evidence, the petitioners confined themselves to fifteen cases, all of which, with the exception of four, the learned Judge then disposed of. Of these he subsequently held one disproved: and although in two of the other charges (which may be designated as the Hill and Sufferin cases) he would have been inclined to find in favour of the respondent upon the evidence affecting these two cases alone, he ultimately came to a conclusion adverse to the respondent in consequence of the effect upon his mind, and the view which he took of the remaining charge, viz: a speech made by the respondent in the course of his canvass at the Matthias Hall, and which the learned Judge held to be a violation of the 72nd sec. of 32 Vict., cap. 21; or if not within that section, to be undue influence under the common law of Parliament. The learned Judge came to this decision, as he stated in his judgment, with much doubt and hesitation, and adversely to the opinions of some of his brother Judges with whom he had consulted, and expressed a hope that the case would be carried to appeal.