

IN THE ELECTION COURT.
QUEBEC DIVISION.

The Seventh day of January, One Thousand Eight Hundred and Seventy-five.

PRESENT:

The Honorable Mr. Justice STUART.
" " CASAULT.
" " TESSIER.

Election Petition of the Electoral District of Gaspé.

HORATIO LEBOUTILLIER,

Petitioner,

AND

LOUIS GEORGE HARPER,

Respondent.

No. 19.

The Court having maturely deliberated upon the Reserved Questions submitted by the Honorable Mr. Justice *McCord*—to the first Questions,—determines:—

That *Louis Georges Harper*, Esquire, was the Returning Officer of the Electoral Division of Gaspé at the time of the Election and was therefore incapable of being elected to serve in Parliament for that Division.

To the second Question determines:—That the Respondent was Returning Officer *de jure*, but by his refusal to continue to act as Returning Officer, the Election Clerk was competent to act as Returning Officer *de facto*.

Judge *Stuart* dissenting as to answer to second Question.

True Copy,

FISET, BURROUGHS & CAMPBELL,

C. E. C.

To the Honorable
The Speaker of the House of Commons.

CENTRE TORONTO CONTROVERTED ELECTION.

TORONTO, 12th April, 1875.

SIR,—In pursuance of the *Controverted Elections Act of 1873*, I beg to certify to you in relation to the Election for the Electoral District of Centre Toronto, held on the 22nd and 29th days of January, 1874, that a Petition was duly presented under the said Statute against the Return of *Robert Wilkes*, Esquire, as Member to represent the Electoral District of Centre Toronto, in the Parliament of the Dominion of Canada—that the Trial of such Petition came on before me, one of the Election Judges, at the Court House in the City of Toronto, on the 24th of February last, and was by me adjourned on that day until the 6th of April last.

At the conclusion of the said Trial, I determined that the said Election was void—and I now certify such determination to you in pursuance of the Statute.

I append hereto a copy of my notes of the evidence taken on the Trial of the said Petition.

I have the honor to be, Sir,

Your obedient servant,

ADAM WILSON,

J.

To the Honorable
The Speaker of the House of Commons,
Ottawa.

TORONTO, 12th April, 1875.

SIR,—In pursuance of the *Controverted Elections Act of 1873*, in addition to the certificate herewith sent you, that the Election for the Electoral District of Centre Toronto, held on the 22nd and 29th days of January last, at which *Robert Wilkes*, Esquire, was returned as a Member for the Electoral District of Centre Toronto, in the Parliament of the Dominion of Canada, was void, I beg to report—

(a) That no corrupt practice has been proved to have been committed by or with the knowledge and consent of any Candidate at such Election.

(In consequence of the personal charges against Mr. *Wilkes* being withdrawn, it became unnecessary to make any inquiry on the subject.)

(b) That *James E. Leslie*, an Agent of the said *Robert Wilkes* has been proved at the Trial to have been guilty of corrupt practices at such Election.

(c) I cannot say from the evidence given before me, that there is reason to believe that corrupt practices have extensively prevailed at the said Election.

I have the honor to be, Sir,

Your obedient servant,

ADAM WILSON,

J.

To the Honorable
The Speaker of the House of Commons,
Ottawa.
