

DOMINION OF CANADA,
PROVINCE OF NEW BRUNSWICK, }

Between

WILLIAM H. BAXTER, and
JAMES H. SECORD,

Petitioners.

and

GEORGE E. FOSTER,

Respondent.

I, the Honourable *John Wesley Weldon*, one of the Judges of the Supreme Court of Judicature for the Province of *New Brunswick*, and the Judge assigned to hold an Election Court, in matters arising out of the election of a Member to serve in the Parliament of *Canada*, for the County of *King's*, and the Judge before whom the said election was tried,

Do certify that the twenty-fifth day of September, 1882, was the day appointed for the trial of the matters contained in the said Petition, upon the application of the Respondent, and reasonable grounds shewn, the trial was postponed until Monday, the second day of October, then to be holden at the Court House, in Hampton, in the said County of *King's*.

On which day the trial was proceeded with, and four witnesses were examined.

On this day, Tuesday, the third day of October, when the fifth witness was called on behalf of the Petitioners, the Senior Counsel for the Respondent addressed the Court, as follows:—

“In view of the evidence given yesterday in this matter, and the circumstances connected with it, and in view of the rulings of Judges, as to agency in election matters, and after consultation with my learned friends—associated with me—I am ready to admit that money had been spent by persons who might be construed to be agents of the Respondent, and on his behalf, I am willing Your Honour should report the seat vacant without going into further evidence.”

I stated to the Counsel that this admission would justify me in declaring the seat vacant, and I could so report it, but the Petition charges corrupt practices on the part of the Respondent, to disqualify him, and unless the same are withdrawn, the trial must go on, the costs up to this time would be on the Respondent, the costs from further proceedings on the Petition would fall on the failure to sustain that charge.

The Counsel for the Petition asked for a short time for consultation. After a consultation, the Counsel for the Petitioners said: “In justice to the Petitioners he would say that what was stated in the Petition was not without some grounds, he therefore acquiesced in the seat of the Respondent being declared vacant, which was the main object of the Petitioners, and they withdrew and abandoned any further proceedings against the Respondent personally.”

I approved of the very proper course the Counsel for the respective parties have taken; and in declaring the election of the Respondent null and void, I beg leave to report that no corrupt practice or the indiscretion of the witness was proved to have been done or committed by or with the knowledge or consent of the Respondent at the said election.

In declaring the election of the said Respondent for the Electoral District null and void, and in pursuance of the said Election Act, I beg leave to report, that no corrupt act or practice has been proved to have been committed by or with the knowledge or consent of any candidate at such election, nor have I any reason to believe that corrupt practices to any extent prevailed at the said election.

And, I am of opinion, that the enquiry into the circumstances of the election has not been rendered incomplete by the action of any of the parties to the Petition, and that further enquiry, as to whether corrupt practices extensively or at all further