

That the trial of such Petition came on before me at the Court House in the Town of *Lindsay*, in the County of *Victoria*, on Wednesday, the fourth day of November, instant, and continued by adjournment from day to day, until Tuesday the tenth day of November then following.

At the conclusion of the said trial on the day last aforesaid, I determined that the said Election was void, and I certify such determination to you pursuant to the Statute.

I append hereto a copy of my notes of the evidence at the trial.

I have the honor to be,

Your obedient servant,

Jos. C. MORRISON,

Judge of the Court of Queen's Bench; *Ontario*.

*Toronto*, 26th November, 1874.

*To the Honorable the Speaker of the House of Commons, Ottawa :*

SIR,—In pursuance of the Controverted Elections Act, 1873, in addition to the certificate herewith sent you, that the Election for the North Riding of the County of *Victoria*, held on the twenty-ninth day of January last, at which *James Maclellan*, Esquire, was returned as a Member in the said Riding to serve in the House of Commons of *Canada*, was void, I beg to report as to the trial before me of the Petition in relation to such Election under the said Act :

(a.) That no corrupt practice was proved to have been committed by or with the knowledge and consent of either of the Candidates at the Election to which the Petition relates.

(b.) That no person in the said trial has been proved to have been guilty of any corrupt practice at such Election.

(c.) That I have not reason to believe that corrupt practices extensively prevailed at the said Election, but on the contrary I have reason to believe that they did not so prevail.

I think it my duty to make a special Report in relation to the proceedings had before me on the trial of this Election Petition.

The trial commenced on Wednesday, the fourth day of November instant, and continued until the tenth day of the same month.

The total number of votes polled at the Election for *Mr. Maclellan*, the Respondent, was five hundred and sixty four; and the number for *Mr. Cameron*, the Petitioner, was five hundred and sixty, making the majority for the Respondent, four.

That upon the trial evidence was given as to the charges of corrupt practices by the Respondent and his agent, which evidence I determined to be insufficient to establish such charges.

That upon proceeding with the scrutiny of votes polled at the Election, nine votes were struck off from those polled for the Respondent, and five votes off those polled for the Petitioner, thus leaving an equality of votes, when the Petitioner and Respondent declined to proceed further with the Election. And it was agreed by both the Petitioner and Respondent that it was best for the interest of all parties that the case should be disposed of by my determining the Election to be void, as was proper to do when there was an equality of votes.

The number of votes to be enquired into on either side in the objection taken to them was great, the witnesses were very numerous and the expenses of their attendance such that both parties felt that it would be less burdensome to themselves and the Electors even to have a new Election than to continue that enquiry which would probably be protracted for many days.

I was not prepared to dissent from these views and saw no reason why the parties should not be allowed to carry them out. Neither of the parties asked for the costs of these proceedings.