

MARCH 6TH, 1903.

C.A.

RE LENNOX PROVINCIAL ELECTION.

PERRY v. CARSCALLAN.

Parliamentary Elections—Corrupt Practices—Dismissal of Charges against Respondent and others—Concurrent Findings of Both Trial Judges—Disagreement of Trial Judges—Right of Appeal to Court of Appeal—Construction of Ontario Election Act and Ontario Controverted Elections Act.

Appeal by petitioners under the Ontario Controverted Elections Act from the judgments of the trial Judges, OSLER and MACLENNAN, JJ.A. (1 O. W. R. 810).

The trial Judges certified that in the result of the trial the petition was dismissed with costs; that they disagreed as to whether the respondent was duly returned or elected, in that they did not agree in a finding upon the charge that the respondent was personally guilty of a corrupt practice in paying money to one F. B. Whisen to induce him to vote for the respondent.

The appellants limited the subject of their appeal to 5 charges, Nos. 22, 52, 43, 29, and 30.

No. 22 was the charge upon which the Judges disagreed.

No. 52 charged the respondent, his financial agent, and other persons with hiring and paying or promising to pay for vehicles to convey voters to and from the polls on election day. The judges agreed in dismissing it.

No. 43 charged that on the day of the election one James Wilson, an agent of the respondent, paid \$1 to one F. W. Parkinson in order to induce him to vote for the respondent. The Judges agreed in dismissing the charge, but differed as to the grounds.

No. 29 charged that on the day of the election the respondent, his financial agent, and another person, paid a sum of money or other consideration to one R. T. Jones in order to induce him to vote for the respondent. The Judges agreed in dismissing it.

No. 30 charged that on the day of the election the respondent, his financial agent, and another person, paid a sum of money to one John Smith in order to induce him to vote for the respondent. The Judges agreed in dismissing the charge.

The appeal came on for hearing before MOSS, C.J.O., GARROW and MACLAREN, JJ.A., MACMAHON and MEREDITH, JJ.