ported by a different witness, I do not know what I can do, even in so small, I may say so trivial a matter, unless I give effect to the accumulated weight of testimony, when I have no reason whatever to doubt the truth of the respective witnesses who maintain these charges."

I have found no reported case which deals with this question. On an indictment for perjury, the oath of the defendant, which is charged to be false, is nevertheless, for certain purposes, assumed by the law to be true; that is, to warrant a conviction it is held necessary to have the evidence of two witnesses, or if only one, that "there be some documentary evidence, or some admission, or some circumstances to supply the place of a second witness" (per Tindal, C.J., *Reg.* v. *Parker*, Car. & M. 646). In *Reg.* v. *Yates*, Coleridge, J., held that one witness was not sufficient to sustain an indictment for perjury; that this is not a mere technical rule, but a rule founded on substantial justice (Car. & M., 139). The facts in *Reg.* v. *Parker* are worth noting: A debtor had made affidavit that he had paid all the debts proved under his bankruptcy except two, and in support of an indictment for perjury on that affidavit, several creditors were called, each of whom proved the non-payment of a debt due by the debtor to himself, and this was held insufficient. The distinction between a criminal prosecution and the present case is not to be overlooked, but considering the respondent's position as a defendant in this proceeding, there is not only the presumption of innocence of an offence charged against him in his favour, but also the maxim, applicable in civil as in criminal cases, "*semper presumitur pro negante*" (See 10 Cl. & Fin., 534).

The respondent is charged with corrupt practices. There were four cases on which the learned Judge took time to consider, and the second, fifth and sixth were held to be sustained, and the election was declared void. He was in the position of a defendant accused of an offence before a competent tribunal. The presumption of innocence, until his guilt was proved, was in his favour—having denied the charge; the maxim above quoted was in his favour also. The case as put is one of even and fully balanced testimony; each separate charge is supported by only one witness, and is contradicted by the respondent on oath; and, as I understand from the judgment delivered, would have been found against the petitioner if it had been the sole charge, for though the proof adduced by the petitioner sustained it, it was answered and displaced by the respondent's evidence. It is not asserted that this evidence in rebuttal was untrue, or that the respondent was a man not worthy of belief. I cannot follow the reasoning which makes the fact that several independent charges were, *prima facie*, proved—each by one witness only, and were rebutted, though by him alone—a ground for convicting him of all, for no distinction can be drawn between them. And yet I cannot to my own satisfaction answer the arguments on which the judgments in this and the *North Renfrew case* were founded, and I am relieved from the necessity of so doing, as on the other grounds taken, I fully concur in the judgment of my brother Burton.

Burton, J.—We are fortunately, in this case, not embarrassed with any difficulty as to the credibility of the witnesses, in which event we should probably find ourselves concluded by the finding of the learned Judge who had them before him, and was therefore afforded an opportunity of observing their demeanour and manner of giving their testimony, which we do not possess. Here, however, the learned Judge finds expressly that there was nothing in the evidence of the respondent, nor in the manner of giving it, which could or did excite any suspicion whatever against its perfect truthfulness, whilst in commenting upon the evidence both of Hill and Sufferin, it is clear that he had not formed an equally favourable opinion of their manner of giving their testimony or of their conduct as disclosed by themselves, remarking that the behaviour of the latter, even on his own version of what occurred in conversation with Atkins when going to vote, and his voting against the respondent after voluntarily engaging to support him, had not been altogether creditable; whilst Hill had shewn some feeling against the respondent in giving his evidence.

We have before us, therefore, the learned Judge's views of the way in which the witnesses impressed him, and we have to draw such inference from the whole evidence set out on the record as we think he should have drawn, and find accordingly.

It must, in the first place, be borne in mind that no acts of bribery were established; what is alleged in the two cases of Hill and Sufferin (assuming them for the present to constitute corrupt practices within the meaning of the statute) consists merely of offers or proposals to bribe. It ought also to be made out beyond all doubt that the words imputed to the respondent were actually used, because, as has been remarked in one of the decided cases, when two