

[A.D.

1878.]

SOUTH ONTARIO.

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SOUTH ONTARIO.

BEFORE MR. JUSTICE GALT.

WHITBY, 14th to 20th January, 1879.

DANIEL MCKAY, *Petitioner*, v. FRANCIS WAYLAND GLEN,
Respondent.

Gifts and Charities—Bribery—Offers.

The respondent gave certain gifts and charities to a religious community, a church, and certain local associations, none of which were political: the election was never mentioned.

Held, that where charitable donations are given generally, and not with a view to influence any individual voter, they will not vitiate an election. There must be such large and indiscriminate gifts as to leave no doubt on any one's mind that the effect had been to constitute general bribery; and there was no evidence of such gifts or expenditure in this case.

Semble, that s. 92 of the Dominion Elections Act, 1874, points to cases where money, or valuable consideration, is given to a voter, and not to a community generally.

Charges against the respondent, that he had promised an office to the son of a voter, and a contract to the voter himself, were contradicted by other evidence, and dismissed.

One P., some years before the election, claimed that the respondent was indebted to him, but the respondent denied all liability, and the dispute caused a coolness between them. One H., four months before the election, was employed by P. to collect another account from the respondent, and did so. H. stated to P. that as the respondent was in a good humor, it would be a good opportunity to get the old account settled, and asked P. if he would support the respondent in case the old account was settled. P. replied that he might promise what he liked. H. then took the account to the respondent, who looked it over and gave his note for it. H. and the respondent never referred to the election, nor to the settlement as affecting the election.

Held, that the respondent had not been guilty of bribery in this transaction.

A charge against an agent of the respondent, that he had promised to procure the office of police magistrate for one W., was denied by the agent and the respondent; and it further appearing that W. had acted on the committee, and voted, for the opposing candidate, the charge was dismissed.

The petition contained the usual charges of corrupt practices. The election took place on the 10th and 17th September, 1878.

Mr. D'Alton McCarthy, Q.C., and Mr. T. G. Blackstock,
for petitioner.

Mr. Robinson, Q.C., and Mr. Edgar, for respondent.