

[Elec. Case.]

DROGHEDA ELECTION PETITION.

[Irish Rep.]

impress the tribunal, the judge or jury, with the strength of the case, but this case is such that it would be idle to say that it has had the effect upon my mind of satisfying me that there has been upon the part of the agents of Sir George Elliot corrupt practices. No imputation at all has been made upon Sir George Elliot in this case, therefore I need not say a word more upon that subject. With regard to the acts of the agents, there has been some degree of suspicion, and I am not prepared to say that a good deal of doubt might not have been raised in my mind, not as to the finding that I should come to, but as to whether the case was open to an explanation or not, that is to say whether at the close of the case I should have required Mr. Hawkins to go into any answer to it. At present certainly upon the case as it stands, if I were asked to give judgment, I should say that no case had been proved to my satisfaction to unseat the member. The matters were some of them extremely trifling. There was the alleged gift of a shilling to a man who happened to be a voter, which he, the man, says, whether truly or untruly I do not stop to consider, was given for old acquaintance sake. To say that a member should be unseated because somebody, who was alleged to have been an agent, by what I might almost call a legal fiction, because he had been seen coming in after a candidate on one occasion, when he was canvassing a voter, or because he had on one occasion given a voter a shilling or a glass of beer, or something of that sort, would certainly be a very strong proceeding. It appears that upon two other occasions a man was paid, not in pursuance of any corrupt promise, or understanding or undertaking, but going with his master to vote on this occasion for Sir George Elliot, he told other persons, if I remember rightly, that he had voted upon the other side, there being apparently no compulsion exercised by the master, who did not deduct (for practically it amounts to that) his day's wages from him. There was another matter—the man who was examined to-day, who says that he changed his house; he positively swore that he did not do it with any reference to his vote. He was no doubt pressed and canvassed on both sides, and pulled about, if I may use that expression, by the Red and Blue parties, and he got at last into a cab, belonging to the Liberal side. Which way he voted we do not know, but he appears to intimate that having quitted his place he may have voted on the Red side. It does not appear to me that those are cases which are supported by such an amount of satisfactory evidence as a judge could reason-

ably act upon; and therefore I may say that as the case at present stands, if I were asked for my decision without a word by counsel upon either side, I should say that the case has not been made out to my satisfaction.

Therefore, upon all the points which have been brought before me, I see no sufficient ground for unseating Sir George Elliot; and as the learned counsel for the petitioners now says, that having found in fact that the case as presented to him was very different from the case as it came out in evidence, I have every reason to entirely rely upon the words of that learned counsel; and it seems to me that he has taken not only a course which is permissible upon my part, but a proper course, in withdrawing this petition. Of course as far as my decision is concerned, the petition must be withdrawn upon the usual terms, that is to say, the costs following the event.

## IRISH REPORTS.

### ELECTION CASE.

#### DROGHEDA ELECTION PETITION.

*Parliamentary Elections Act (31 & 32 Vict., c. 125)—  
The Ballot Act, 1872—Inspection of ballot papers.*

Liberty given to the Clerk of the Crown and Hanaper to permit the agents of the petitioners and respondents, in a Parliamentary Election petition, to inspect ballot papers which had been received by the Returning-officer, though objected to, on the part of a candidate, as having been marked so that the voters could be identified.

[Irish Law Times, April 23, 1874—LAWSON, J.]

Motion, on behalf of Robert Martin and others, the petitioners in the matter of the Parliamentary Election Petition for the county of the town of Drogheda, for an order to permit inspection of ballot papers.

The motion was grounded on an affidavit of Mr. Henry Clinton, who deposed that he was the Parliamentary agent of the petitioners, and had acted as the conducting agent of Mr. Whitworth, one of the two candidates at the late election in Drogheda; that the respondent, Dr. O'Leary, was the only other candidate, and that Dr. O'Leary was returned as the candidate elected, and elected by a majority of ten votes; that the deponent was advised by counsel that Mr. Whitworth should have been declared elected, and that the majority for Dr. O'Leary was a colourable one, and had been created by the reception of voting papers improperly filled up, and marked so as to lead to the identifi-