

MARCH 3RD, 1903.

ELECTION COURT.

RE SAULT STE. MARIE PROVINCIAL ELECTION.
SMITH v. MISCAMPBELL.

Parliamentary Elections—Corrupt Practices—Bribery—Proof of Offences—Proof of Agency—Hiring Vehicles—Election Avoided for Corrupt Acts of Agent—Saving Clause.

A petition to avoid the election of the respondent for corrupt practices, tried at Sault Ste. Marie and Toronto.

A. B. Aylesworth, K.C., for petitioner.

E. Bristol, for respondent.

The judgment of the court (OSLER, J.A., and FALCONBRIDGE, C.J.) was delivered by

OSLER, J. A.—Sixty of the 91 charges in the particulars were disposed of at the hearing, and judgment was reserved on the remaining 31, which are, however, in substance reducible to 12. Of these 31 charges, numbers 16 to 20 refer to the bribery of Alexander Clouthier by one E. Morreault, an agent of the respondent, on 30th May, by the corrupt payment to him of the sum of \$5, in pursuance of a previous corrupt promise, and charges No. 22 and No. 25 refer to the bribery by Morreault of one Albert Roy by payment to him on 30th May of the sum of \$8, in pursuance of a previous corrupt promise.

The agency of Morreault was hardly contested. It was, at all events, if not admitted, abundantly proved. This gentleman was a member of the French Bar, and a resident of Montreal. At the request of some of the respondent's political friends there, he went to Sault Ste. Marie "to help in the election." There was a considerable French population in the riding, chiefly in and about the town, and it was thought desirable that some one familiar with that language should be sent up from the other Province, who could canvass his compatriots and address them at public meetings in their own tongue, the more so as it was said that an agent had been employed on the petitioner's side for a similar purpose. Mr. Morreault was to be paid his expenses and a honorarium, the amount of which was not very clearly defined—perhaps not at all—but he seems to have expected it would be at least \$10 per day. He left Montreal on 17th May, and before he did so received the proceeds of a draft for \$100, drawn upon the respondent by his friend in Montreal, which was duly charged in the respondent's bank account on 14th June, 1902, and before he left Sault Ste. Marie on 30th May he was paid by or received from agents of the respondent there, and with