

question raised upon this trial, and I entirely agree to the conclusion he has reached. Indeed it seems to me that only one conclusion is possible upon the evidence.

It was urged upon us that neither the respondent, Mr. Garrow, nor the local organization in West Huron had any intention of contravening the provisions of the Election Act, or of permitting others to do so, and that no fund was raised in the riding for illegal or corrupt purposes. Assume this to be so, then it must be that the moneys which were illegally and improperly expended were supplied by outsiders who sent their agents into the riding and interfered with the management of the election. That Smith was an agent of the respondent, can, I think, admit of no question; that he brought others into the riding and assumed a management and control which was known and recognized and submitted to, is perfectly clear; and we have found that at least in one case he made an illegal payment. Of course his expenses and those of the persons with him must have been paid out of some fund, unless indeed one could believe that he and his assistants were volunteers, paying their own expenses.

I quite appreciate the difficulty of the respondent's position, as stated by him in his evidence at the trial substantially as follows.—That he believed that some men who were active in the riding were brought there by Smith, that he did not ask them any questions, that he did not object to what Smith was doing because he did not feel at liberty to say to men who were apparently respectable that he could not have them interfering. I am quite ready to accept the respondent's statement that he did not wish them to be there, and that if he is candidate at any subsequent election he will take steps to see that there is no outside interference. But it still remains that he did know that they were there; he asked no questions, he did not object, he took the benefit of their action; and, if they are responsible for the corrupt practices proven, he must bear the burthen of their misconduct. I do not see how a candidate can be placed in any better position as a principal than any one who knows that another is acting as his agent, and who does not disclaim his acts or discredit his agency. The result is very hard upon the respondent and upon the constituency, if the outsiders were forced upon them. It is manifest, however, that moneys were improperly used, and whether they were supplied from within or without the constituency, as long as they were used by agents of the candidate, the result must be the same. I think it must be clearly understood that if a candidate does not wish outside interference with the management of the election, he must take decided action to prevent such interference.

The plain result of holding otherwise would be that the candidate, local organization, general committee, and the sub-committee, might all be free from illegal or corrupt practices, as far as they themselves personally were concerned, and yet the management of the election by outsiders sent or coming into the riding to expend money and to use improper means for