

wrongly admitted; that the relator was himself guilty of bribery, and, therefore, incompetent to question the validity of the election; and that Berthiaume was not given notice his disqualification would be sought.

It is also urged that as the evidence taken down by the County Judge, when the witnesses were examined *viva voce* before him, was not read over to the witnesses and signed by them, the proceedings fail. Sub-section 4 of sec. 220 requires that proceedings before the Judge shall be "entitled and conducted" in the County Court in the same manner as other proceedings in Chambers; and under Con. Rule 494, examinations for the purpose of a motion must, "unless otherwise ordered, be conducted in accordance with the practice upon examination for discovery so far as the same are applicable." Upon such examinations, when the evidence is not taken in shorthand under Con. Rules 457 and 458, the depositions are by Con. Rule 456, to be taken down in writing by the examiner and when completed "shall be read over to the person examined and shall be signed by him in the presence of the parties, or such of them as see fit to attend."

In answer it is stated—and the statement is not disputed—that the manner of proceeding was with the consent of all parties. But apart from any question of consent, it seems clear to me that the rules invoked have no application to a case like this. Section 232 of the Municipal Act prescribes the mode of trying cases of this kind. "The Judge shall in a summary manner without pleadings hear and determine the validity of the election . . . and may inquire into the facts on affidavit or by oral testimony."

Sub-section 4 of sec. 220 and the rules mentioned seem to me not to impose any obligation upon the Judge to transcribe the testimony and have it read over to and signed by the witnesses. The Judge might under sec. 232—without taking down any of the evidence—have declared Berthiaume to have committed an act of bribery. He, however, took very full notes, and the perusal of them and of his reasons for judgment greatly facilitates the disposition of the objections raised on this appeal.

In his reasons for judgment the learned Judge says: "I find that Mr. Berthiaume has been proved to have hired a team from John Lariviere, livery stable keeper, for the purpose of conveying electors to the polls," which by sec. 245,