

transportation to voters against persons who had been working to secure the election of the respondent; but, in the few cases in which it was held that such charges were proved, it was also held that there was no sufficient proof that the persons found guilty were agents of the respondent for the purposes of the election so as to make him responsible for their acts.

The following are some of the principles laid down or re-affirmed with the authorities relied on:—

1. A charge of bribery, whether by a candidate or his agent, is one which should be established by clear and satisfactory evidence, as the consequences resulting from such a charge being established are very serious: *Londonderry case*, 1 O'M. & H. 274; *Werrington case*, 1 O'M. & H. 42; *North Victoria case*, Hodg. Elec. Cas. 702.
2. To prove agency, the evidence should also be clear and conclusive and such as to lead to no doubtful inference: *Sligo case*, 1 O'M. & H. 300; *Perth case*, 2 Ont. Elec. Cas. 30.
3. To constitute agency in election cases, as in other cases, there must be authority in some mode or other from the supposed principal. It may be by express appointment or direction or employment or request, or it may be by recognition and adoption of the services of one assuming to act without prior authority or request. It may be directly shewn, or it may be inferred from circumstances. It may proceed directly from the alleged principal or it may be created indirectly through one or more authorized agents: *Taunton case*, 2 O'M. & H. 74; *Stroud case*, 3 O'M. & H. 11; *North Ontario case*, Hodg. 304; *1st Elgin case*, 2 Ont. Elec. Cas. 100.
4. The fact that a person is a delegate to, or member of the convention or body which selects a candidate does not of itself make such person an agent of the candidate chosen: *Harwich case*, 3 O'M. & H. 69; *Westbury case*, Id. 78; *West Simcoe case*, 1 Ont. Elec. Cas. 159.
5. Canvassing, speaking at meetings or other work in the promotion of an election does not per se establish agency, although, according to degree and circumstances, it may afford cogent evidence of agency: *Londonderry case*, 1 O'M. & H. 278; *Staleybridge case*, Id. 67; *Bolton case*, 2 O'M. & H. 141; *East Peterboro case*, Hodg. 245; *Cornwall case*, Id. 547; *South Norfolk case*, Id. 660.
6. Accompanying a candidate in his canvass is not sufficient in itself to constitute agency: *Shrewsbury*, 2 O'M. & H. 36; *Harwich*, 3 O'M. & H. 69; *Salisbury*, 4 O'M. & H. 21.
7. Section 109 of The Dominion Elections Act, 1900, is new and goes far in advance of the former law as to treating voters at an election in omitting the element of corrupt intent, and should be strictly construed. Under it the providing or furnishing of refreshments or drink would not be an offence unless done at the expense of the candidate.
8. The treating of electors prior to and on polling day by an agent of the respondent, even when done on a liberal scale, will not be assumed to have been done with the corrupt intent necessary to make it an offence,