

MAGEE, J.A., AND SUTHERLAND, J.

OCTOBER 12TH, 1920

*RE GRENVILLE PROVINCIAL ELECTION.

*PAYNE v. FERGUSON.

Parliamentary Elections—Provincial Election—Corrupt Practices—Bribery—Failure to Prove Agency—Payment to Bandmen—Evidence—Failure to Shew Corrupt Intent—Promise to Aid Voter in Obtaining Employment for Daughter—Vague Reference to Vote—Denial of Corrupt Intent—Inference—Refreshments Furnished by Candidate after Close of Meeting of Party Convention at which Candidate Selected—Ontario Election Act, R.S.O. 1914 ch. 8, secs. 168, 169—"At a Meeting"—Contract of Candidate with Government—Printing Contract with Incorporated Company of which Candidate Owns Nearly all the Shares—Control of Company—Separate Entity—Legislative Assembly Act, R.S.O. 1914 ch. 11, secs. 11, 12 (b).

George Arthur Payne, the defeated candidate at the provincial election in October, 1919, petitioned to have the election of George Howard Ferguson as member for the Grenville electoral district declared void, the respondent declared disqualified, and himself (the petitioner) declared elected. The respondent cross-petitioned for a declaration that the petitioner was guilty of corrupt practices and could not be awarded the seat.

The petition and cross-petition were tried at Brockville and in Toronto.

Gordon Waldron, for Payne.

W. N. Tilley, K.C., H. A. Stewart, K.C., and W. H. Price, for Ferguson.

THE COURT read a judgment in which it was said that various corrupt practices and illegal acts were alleged in both petition and cross-petition, of which particulars were given. At the trial no evidence was offered on behalf of the petitioner as to some of his particulars, and as to others it was conceded that the evidence failed to disclose irregularity or corrupt practice. The claim to the seat was also abandoned by the petitioner's counsel; and, in consequence of that abandonment, the respondent did not attempt to prove his cross-petition.

Three cases of bribery or attempted bribery of voters by one Lampkin were proved; and the evidence led to the conclusion that Lampkin was supplied with funds from some source. He was an