

the law, unless corrupt intentions were proved. He did not intend to offer his unsupported opinion and authority on this point, to the House. He wished to support it by the authority of one of the most prominent and learned Judges on the Bench—Vice-Chancellor Blake, of Ontario—who, in his judgment delivered in the East Elgin case, after summing up the evidence, pointed out that, although a very large amount of treating had been proved and admitted, yet, in view of decisions made in former cases in England and here, he was unable to hold treating corrupt; and he went on to show what would be the effect on public morality, especially the morality of elections, such an interpretation of the law must have. He said:

“I feel that, as the law stands at present, a great inducement is held out to would-be candidates to look out in each constituency for men who are habitual drinkers, to win them to their side, and then to send them out to carry on the canvass by systematic treating, and thus to cause the electioneering of the country to depend to a great extent on the popularity aroused by these means rather than on the actual merits of the candidates, or the measures they advocate. The door is thus very widely opened to the introduction of drink as a means of quietly, yet surely, affecting the election. This would be prevented if I could have held that the paying for liquor supplied to a voter by a canvasser when engaged in canvassing his vote was a means of ingratiation or enticement, or of making himself popular, struck at by the Act, and by it made a corrupt practice.”

He then went on to Chief Justice Richards, who said:

“It is found from experience that the provisions contained in the present laws now in force in the Dominion and in Ontario do not effectually put an end to corrupt practices at elections, and that, in order to do so, it will be necessary to bring candidates within the highly penal provisions of declaring them, when they violate the law, incapable of being elected or holding office for several years.”

Vice-Chancellor Blake then cited the North Middlesex election (local) to show that, if a candidate had been in the habit of treating largely, treating to the same extent during an election did not constitute a corrupt practice. From all these cases, he drew the conclusion that even very extensive treating could not be held corrupt, if it were shown to have been habitual. He expressed his own opinion of the meaning of the law in these words:

“If the matter were *res integra*, I should have found this election avoided by the acts of Day; I cannot, however, do so in view of the decisions in this country and in England. I am bound to follow these authorities, and must leave it to those who think themselves aggrieved by my finding to proceed by appeal and have the matter set aside.”

They found that Vice-Chancellor Blake was of opinion that the law originally intended to make treating corrupt, but that, if it were not shown to have been done with a corrupt intent, he could not, in view of prior decisions, void the election. Speaking of a certain agent at that election, Vice-Chancellor Blake said:

“There is no doubt that with the agent treating was an ordinary act of every day life. Whenever and wherever the occasion offered it was indulged in. He is described as a man who did not do much on the platform, but who was a powerful man outside. He appears to have thought that there was not much in himself to commend him to those he met, and at once he invariably turned to his potent friend, the bar, and, by this more than questionable mode of procedure, sought to stimulate or form a friendship between himself and those he met. To this low conception of his own powers he added the view that those he met in his county were guided by a standard no higher than his own, and he appears for over twenty years past to have successfully carried on this vile and degrading system of universal treating which has been found to be so debauching in its effect throughout our Province. This man who has been a candidate for various offices for the past twenty years, and has employed freely treating as an element in his canvass, becomes an agent of a candidate who, no doubt, uses him as a man whose influence, created by the use of liquor, will be sustained by the same means, the benefit of which will accrue to him in the election contest. This treating, if found in one not theretofore given to this vice, would have been sufficient to have avoided the election, but no doubt the respondent and his agent were informed of the decisions which sanctioned, under certain circumstances, a large amount of treating, and they acted on these cases, and I think are now entitled to shelter behind them.”

He thought the opinion of the House would coincide with the opinion of Vice-Chancellor Blake, that the latitude which the present law permitted was a source of great demoralisation to the country at large. He thought the House would be willing to indicate some means to carry out the intention of the original law, which, he was satisfied, was not objected to as too strict by any gentleman in the House. He proposed to