

cause to be opened and supported at his costs and charges, any house of public entertainment for the accommodation of the electors. And if any representative returned to the House of Commons is proved guilty before the proper tribunal, of using any of the above means to procure his Election, his Election shall be thereby declared void, and he shall be incapable of being a Candidate, or being elected or returned during that Parliament.

Mr. Harrison, in speaking to the agency question, argued, as I understood him, that in this section, nothing but such personal bribery as would disqualify him could void the Election.

I hold that bribery was committed by Agents of Respondent sufficient to void his Election, whether he knew or did not know of their acts.

If I be right in so holding, then perhaps it may be argued for the Petitioner, that if, in the words of the section, the Respondent "is found guilty of using any of the above means to procure his Election" his Election shall "be thereby declared void, and he shall be incapable of being a Candidate, or being elected or returned during that Parliament." In other words, to void the Election, I must find that the Respondent directly or indirectly employed means of corruption by giving any sum of money.

If I so find, as I do in the present case, it may be argued that the conclusion is irresistible—that as he is found guilty of using the prohibited means to secure his Election, not only is his Election to be declared void, but he shall be incapable of being a Candidate. The clause draws no distinction as to personal knowledge or assent. It may be, therefore, that the disqualifying must follow the voidance of the Election. The Act is peculiarly worded.

The Election is set aside, and all the costs must be paid by the Respondent. There were the most ample grounds to warrant the Petition, and the personal charges made against the Respondent, and I see no reason for adopting Mr. Harrison's argument, that the costs should be apportioned, not all the charges being proved. It was at the suggestion of the Court that Petitioner stopped calling further witnesses to prove bribery. I shall report that the Respondent was not duly returned, and that the Election was void; that no corrupt practice has been proved to have been committed by or with the knowledge or consent of the Respondent. That *Daniel Hagarty, Henry C. Green, Frederick A. Fitzgerald, John Campbell, Joseph Broadbent, James Fitzgerald, John Doyle, Robert Henderson, George Hiscox, Marvyn Knowlton, William J. Thompson, John E. Robinson, Philip Cook, John J. Magee, Thomas H. Smallman, George Reaves and Edward Harris* have been proved, in my judgment, to have been guilty of corrupt practices, and that corrupt practices have extensively prevailed at this said Election.

The trial is over now, and I may venture to hope that these shameful disclosures will prove the death blow to the practice of bribery in this, if not in other constituencies. Public opinion will, it is hoped, at last stamp with emphatic disapproval, the practice of bribery. The briber and the bribed should stand on precisely the same footing. Many will, with perfect justice, attribute a far larger blame to men of education and position who tempt the ignorant and the poor to the sin of selling their votes to the highest bidder.

THURSDAY, September 10th, 1874.

#### FORMAL FINDINGS.

1. That the Respondent, through and by his Agents in that behalf, did employ means of corruption in the bribery of voters.

2. That the Respondent was not duly returned or elected, and that the Election was void.

That no corrupt practice has been proved to have been committed with the knowledge or consent of the Respondent. That *Daniel Hagarty, Henry C. Green, Frederick A. Fitzgerald, John Campbell, Joseph Broadbent, James Fitzgerald, John Doyle, Robert Henderson, George Hiscox, Marvyn Knowlton, William J. Thompson, John S. Robinson, Philip Cook, John J. Magee, Thomas H. Smallman, George Reaves, and Edward Harris*, have been proved, in my judgment, to have been guilty of corrupt practices.

That corrupt practices have extensively prevailed at said Election.

That the Respondent do pay all the costs.

JOHN H. HAGARTY,  
C. J. C. P.

CROWN OFFICE, C. P.

TORONTO, January 20th, 1875.

To the Honorable

The Speaker of the House of Commons  
For the Dominion of Canada,  
Ottawa, Ont.

Sir,—I have the honor to inform you that the trial of the Controverted Election Petition for the Electoral Division of the City of London, on the Petition of George Pritchard against the return of *John Walker* as a Member of the House of Commons was tried at London before the Chief Justice of the Court of Common Pleas on the seventh day of August last and succeeding days,—that the finding of the said Chief Justice at said trial was brought before the said Court of Common Pleas by way of appeal therefrom by said Petitioner, *George Pritchard*, and also by the Respondent, *John Walker*,—that the said parties were heard before the said Court by their Counsel. and that by the judgment of the said Court, it was ordered:—

1st. That the said *John Walker* was not duly returned and elected at the late Election of the City of London to represent the said City as a Member of the House of Commons.