

ELECTION PETITIONS.

persevering in such a course he may expect the approbation of an admiring world, and that to him also shall be applied the gratifying encomium, "Good Master Silence, it well befits you should be of the Peace."

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All the light that can be thrown upon Election Law will be acceptable at the present time. We understand that Mr. Thomas Hodgins, Q.C., has prepared a treatise on the subject, which will very shortly be published, and will doubtless give us much assistance on points arising under the rather peculiar and incomplete state of the Statutes that regulate the law and procedure. Mr. Brough's book refers especially to the Ontario Election Law, but may be consulted with much advantage. The general question of Agency is one of the greatest difficulty. The *Law Times*, in a recent number, reviews the second edition of Leigh and Le Marchant's work on elections, and extracts from that and from a treatise by Mr. F. O. Crump, in Cox and O'Grady's Election Law, some passages on the question of Agency. In the former work it is stated:—

An agent is a person authorized by the candidate to act on his behalf in affairs connected with the election, and the candidate, as regards his seat, is as liable for acts committed by his agent as if he himself had been personally concerned therein; although the agent may not only have exceeded the authority committed to him, but have acted in opposition to the express commands of the candidate. So extreme, in fact, is the liability of the candidate for his agent, that the relation between them is not analogous to that existing at common law between principal and agent.

The candidate is answerable for the acts of his agent in the same way as a master is answerable for the acts of his servant done in the course of his employment, whether lawful or not, notwithstanding a prohibition may have been given to him by his master.

A candidate has been held answerable for acts committed by a person employed in a subordinate capacity by the agent for the purposes of

the election on his own responsibility to the same extent as if those acts had been committed by the superior agent himself.

Besides the agent for election expenses, there are other paid persons whose names would appear in the detailed statement of election expenses under 26 & 27 Vict. c. 29, s. 4.

The mere fact of their names appearing in that statement as paid by the candidate for the purposes of the election would probably be held as sufficient evidence of their agency, unless they were merely employed and paid in some subordinate capacity such as that of a messenger or bill-sticker, &c. The candidate may be bound also by acts committed in the course of the election by other persons on his behalf, though not named in the election accounts and unpaid.

A man's wife, if she interfere in the election, is *ipso facto* his agent.

Any act, however trifling, is evidence of agency, and an aggregate of isolated acts will by their cumulative force constitute agency; though no one of them alone, if severed from the others, might be conclusive.

Exempli gratia :—

1. Being a member of the committee.
2. Canvassing alone, and with or without a canvassing-book.
3. Canvassing in company with the candidate.
4. Attending meetings and speaking on behalf of the candidate.
5. Bringing up voters to the poll.

From the latter work is extracted the following:—

The words used in the Corrupt Practices Act to denote acts which are to affect a member's return are these, "by himself or by any other person on his behalf." In one of the first petitions tried before a Judge (the *Norwich Petition*, 19 L. T. Rep. N. S. 615), the effect of these words was considered, and Baron Martin held that they included any person for whom in law the member was responsible, whether he be an agent directly appointed by the member, or whether he be an agent by reason of the construction which has been placed upon the Act of Parliament—a construction which, his Lordship remarked, is to some extent binding on the Judges. The contention of counsel for the respondent in that case was that the respondent could not be held responsible for an act to which he was not privy. This contention was at once disposed of, and without citing further authority—and every petition tried is an authority on this point—it is to be taken that the candidate