

IN THE COURT OF APPEAL.

THE DOMINION CONTROVERTED ELECTIONS ACT.

Election of a Member for the House of Commons for the Electoral District of the County of Kent, holden on the twenty-second day of February, 1887.

Between

CHARLES W. BIRD,

*Petitioner,*

*and*

ARCHIBALD CAMPBELL,

*Respondent.*

I, the Honorable Featherston Osler, one of the Judges of the Court of Appeal for Ontario, do hereby certify that pursuant to the Dominion Controverted Elections Act, on the second, third, fifteenth and sixteenth days of November, 1887, I held a Court at the town of Chatham, in the County of Kent, for the trial of the election petition between Charles W. Bird, Petitioner, and Archibald Campbell, the sitting member, Respondent, relating to the election of a member for the House of Commons for the Electoral District of the County of Kent, holden on the twenty-second day of February, 1887.

That at the conclusion of the trial I determined that the said Archibald Campbell was not duly elected or returned and that the said election was void, on the ground that corrupt practices were proved to have been committed at the said election by an agent of the Respondent.

That no corrupt practice was proved to have been actually committed by or with the knowledge or consent of either of the candidates at the said election, that is to say, by the said Archibald Campbell or by Henry Smyth, the unsuccessful candidate.

That Frank Hadley and James McGoldrick were proved at the said trial to have been guilty of corrupt practices, that is to say, of bribery at the said election; that the said Frank Hadley was afterwards tried before me pursuant to the said Act and convicted of the said offence, and proceedings for the trial of the said McGoldrick are now pending.

That there is reason to believe that corrupt practices have prevailed extensively at the said election.

I am not, however, of opinion (so far as I can form an opinion from anything which came before me on the trial) that the enquiry into the circumstances of the election has been rendered incomplete by the action of any of the parties to the petition, or that further enquiry as to whether corrupt practices have prevailed extensively is desirable, by which term I understand likely to prove useful or effectual.

Dated this 17th day of November, 1887.

F. OSLER.

To the Honorable  
The Speaker of the House of Commons,  
Ottawa.

DOMINION OF CANADA. }

To wit: }

To RICHARD POPE, Esq.,

*Clerk of the Crown in Chancery.*

HOUSE OF COMMONS.

These are to require you to make out a new writ for the election of a Member to serve in this present Parliament for the Electoral District of the County of Kent,