

Elec. Case.]

EAST NORTHUMBERLAND ELECTION PETITION.

[Ontario.]

plate that history, for it has tended to impress upon them how full of pitfalls is the ground upon which they are accustomed to tread, and how extensive is the knowledge and how great the care required of all who travel over it; and they now look more disgusted than ever, when, as so often happens, they are requested to "just step over" to the Registry and "look down" a title; and are informed that the title is a very simple one, and will only take a few minutes; and that So-and-so, "a very careful man," did it in less than half an hour last year, and found it all right, and that *his* charge was five dollars.—*American Law Review*.

CANADA REPORTS.

ONTARIO.

ELECTION CASES.

(Reported by HENRY O'BRIEN, Esq., Barrister-at-Law.)

EAST NORTHUMBERLAND ELECTION PETITION.

CASEY V. FERRIS.

Agency—Delegates to political associations to nominate candidates and promote their return—Fraudulent device to influence voters. 32 Vict. cap. 21, sec. 72.

By the constitution of the Reform Association for the East Riding of Northumberland, each delegate to the convention was actively to promote the election of the candidate appointed by the convention. The candidate had himself been for six years a member of this organisation, and was familiar with its objects and constitution. He had also as a delegate acted for other candidates in the promotion of their elections, and expected the like assistance from the present members of the Association. No committees were formed, and it was the recognised business of the Association to see to the necessary canvass and organisation for polling day.

Held, that delegates to the Association, and acting as such in promoting the election of the candidate, were his agents, for whose acts he was responsible.

Shortly before polling day respondent's agents issued a circular, signed by the President of the Reform Association, the substance of which was that they had ascertained upon undoubted authority that Webb, despairing of election himself, was procuring his friends to vote for Cochrane. This statement Webb declared to be false.

Held, that this was not a "fraudulent device," within the meaning of sec. 72 of 32 Vict. cap. 21, to interfere with the free exercise of the franchise of voters.

[Cobourg, Sept. 22; Toronto, Oct. 1, 1875. Gwynne, J.]

The trial of this petition took place at Cobourg before Mr. Justice Gwynne.

There were three candidates—Ferris, Webb and Cochrane. Mr. Ferris was the nominee of the Reform Association, and was the successful candidate. A night or two before the polling some letters or circulars were sent to different leading men, stating that Mr. Webb had despaired of success, and wanted his friends to vote for Mr. Cochrane. Mr. Webb denied the truth of this report.

The main points that arose at the trial were (1) as to the agency of one Richmond, a delegate to the Reform Association, and acts of bribery said to have been committed by him whereby the respondent's election would have been avoided; and (2) as to the effect of the circular as to Webb's alleged resignation, spoken of above, which it was said was a fraudulent device to influence voters.

D'Alton McCarthy for petitioner.

J. D. Armour for respondent.

GWYNNE, J. The evidence establishes, beyond all doubt in my mind, that it is part of the constitution and organisation of the Reform Association in this Riding (whose candidate the respondent was) that the delegates to the convention, consisting of ten persons from each township and five from each village municipality, should, so long as they might remain in office—that is, until displaced by other delegates—act in promoting the election of the candidate adopted by the convention, in all respects and in the same manner as persons appointed agents by candidates are in the habit of doing for that purpose; that the candidate looked for, expected and demanded such their assistance and agency to carry his election, and that in consequence thereof, and because of the perfection of the organisation as a canvassing and general agency to conduct the election, the candidate chosen by the convention appointed no agent of his own, but uses those provided by the organisation. The evidence also establishes that the respondent was for six years himself a delegate—that he was well aware of the nature of the organisation—that as a delegate he canvassed and acted for other candidates in the promotion of their election, and that he expected and demanded like services from all the delegates, to be rendered to him upon his candidature; and that to the perfection of that system as an electioneering agency the respondent owes his election. The evidence in like manner establishes that Cyrus Richmond was a delegate—that he was a sup-