

when re-elected after having been disqualified by Mr. Travis, the evidence does not establish the charges made, so far as they allege that Mr. Travis caused proceedings to be instituted against the mayor and councillors for corrupt practices. But when the matter was brought before him by a ratepayer, he proceeded in a manner for which no authority can be found, in the Ordinance respecting municipalities. (North-West Ordinance No. 4 of 1884.)

That Ordinance contains no provision for an appeal to a Stipendiary Magistrate from the revision of a voters list by a Court of Revision. It does provide for proceedings before a Stipendiary Magistrate to quash a By-law passed by a Municipal Council, but a resolution passed by a Court of Revision, on a judgment or ruling of that Court can never be held to be a By-law passed by the Council.

Then, the first proceeding taken, and before any petition alleging corrupt practices had been presented, was the making on order, and compelling the Town Clerk to attend to be examined, and to produce documents, the only provision in the ordinance for a preliminary enquiry of that character being in the case of an application to quash a By-law.

Mr. Travis claims, that the acts of the Mayor and other members of the Council, in connection with the revision of the voters list, were corrupt practices at common law, and that apart from the provisions of any ordinance of the North-West Territories he had jurisdiction. But the proceedings taken, were all on their face, taken under Ordinance No. 4 of 1884, the petition, orders, and other documents, being all so styled, and the punishment inflicted was fine and disqualification, the penalty imposed by that Ordinance for corrupt practices in procuring by bribery parties to vote, or to abstain from voting, at an election. At common law, the appropriate proceeding for corrupt practices, was by indictment resulting, on conviction, in the penalty of fine or imprisonment, not in the penalty of disqualification.

In proceeding as he did Mr. Travis in my opinion exceeded his jurisdiction.

At the same time it should be remarked, that the members of the Court of Revision, in the proceedings they took, for adding to the voters list a large number of names, acted irregularly, even if they did not, as the evidence seems to show they did, add names which should not have been on the list.

From the evidence given under the Commission, it is beyond all doubt, that there existed among the population of Calgary a lawless element, dangerous to the peace and good order of society. In dealing with this element, Mr. Travis had a difficult task, but he did not pursue a prudent course. Many of his public utterances, especially, were calculated to excite, as they did in fact excite, a feeling of antagonism towards him.

On a review of the whole evidence, including that of Mr. Travis himself, considering the excited state of public feeling, and the attitude of hostility in which Mr. Travis and a large number of the inhabitants of Calgary and neighbourhood, stand to one another, and for which both parties are blameable, I can express no other opinion, than that the Government ought not to continue Mr. Travis in the office of Stipendiary Magistrate at the Town of Calgary.