

PARLIAMENTARY ELECTIONS.

on the trial of any election petition it is proved that any corrupt practice has been committed by any elector voting at the election, his vote shall be null and void." The meaning of "corrupt practice" has been already referred to, and will include bribery, undue influence, and treating meetings of electors, contrary to section 61 of 32 Vic. cap. 21.

In regard to the disabilities imposed by both the Imperial and Ontario Statutes, on parties offending against their provisions, it will be sufficient to state generally, that by the Imperial Act, section 43, bribery committed by or with the knowledge and consent of the candidate, will incur the severe disabilities provided by that Act, and which extend to a period of seven years against the offender. By the Ontario Act, section 46, *any* corrupt practice (which will include not only bribery, but also undue influence, and possibly treating contrary to section 61) committed by or with the knowledge and consent of any candidate of an election, will incur the disabilities provided by the Act, and which in the Ontario Statute extend to a period of eight years against the offender.

The subject of bribery is too vast to enter upon in an article necessarily so restricted as the present, but in fact section 67 of the 32 Victoria defines the offence so minutely that any remarks on the subject generally, or any allusions to the numerous cases are to a certain extent unnecessary.

The subject of agency, however, forms so important a feature in all election matters, and especially that of bribery under our Act, that it will not be out of place here to notice a striking peculiarity in the law of elections on this subject, and that is, the great distinction which exists between the principles of agency, as ordinarily acted upon by courts of law, and those which have been followed in election inquiries. The relation between a candidate and his agent is not the same as that which is understood to exist by the ordinary use of the terms principal and agent; for a candidate is held to be responsible for the wrongful acts of his agent for election purposes, not only when they have been committed without his consent, but even when done contrary to his express command.

On the subject of agency, generally, see the *Taunton Case*, 1 O'M. & H., 182, also the *Coventry Case*, *Ib.*, 107. It has been com-

pared to the relation of master and servant in the *Westminster case*, 1 O'M. & H., and to sheriff and deputy-sheriff in the *Taunton Case*, *Ib.*, 1 O'M. & H., 182.

Treating, so far as section 61 of the 32 Vic., chapter 21, is concerned, has been already referred to. The law as to treating, independently of that section, is in a very unsettled state, but probably in this Province no corrupt treating, which does not amount to bribery by means of meat and drink, will affect the seat. It is possible that general treating, which would have avoided an election at common law, will have the same effect here, but no branch of the law of elections is, as has already been stated, in a more unsettled state than this.

As to undue influence, section 72, of the 32 Victoria, declares, "every person who shall directly or indirectly, by himself or by any other person on his behalf make use of or threaten to make use of, any force, violence or restraint, or inflict or threaten the infliction by himself or by or through any other person, of any injury, damage, harm or loss, or in any manner practise intimidation upon or against any person in order to induce or compel such person, to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election, or who shall, by abduction, duress, or any fraudulent device or contrivance, impede, prevent or otherwise interfere with the free exercise of the franchise of any voter, or shall thereby compel, induce or prevail upon any voter either to give or refrain from giving his vote at any election, shall be deemed to have committed the offence of undue influence, and shall incur a penalty of two hundred dollars."

This clause seems almost identical with section 5 of the Imperial Act of 1859.

In the *Westbury case*, 1 O'M. & H., before Willes, J., a manufacturer named H. who had been asked by a candidate for his vote and interest, canvassed his workmen and dismissed some because they voted against his wishes. He became a member of the candidate's committee and canvassed for him. He told some of his men who were going to vote the other way that if they did they should have no more employment from him. They did in fact leave his employ before the elections.