

Elec. Case.]

NORTH MIDDLESEX ELECTION PETITION.

[Ontario.

lected in law stamps, and paid into the public treasury, the following sums during the years mentioned :

1870	-	-	-	-	\$78,477
1871	-	-	-	-	77,650
1872	-	-	-	-	87,165
1873	-	-	-	-	95,249
1874	-	-	-	-	75,164

These sums have been paid by the members of the legal profession, who have had to act in this matter as public tax-gatherers for the province.

(2.) A portion of these moneys—\$14,500 a year—has been appropriated towards liquidating the debt incurred by the Law Society, under Con. Statutes U. C. c. 35, to the Provincial Government for the erection of the Law Courts at Osgoode Hall ; but by an agreement made between the Government and the Law Society in 1873, and approved by the Legislative Assembly on the 19th March, 1873, the Law Society was released of its covenant to furnish accommodation for the Superior Courts, and the building for which the debt was incurred, together with a large tract of land which was the exclusive property of the Law Society, were surrendered to the Crown. By this surrender the liability to pay the debt was cancelled, and the necessity for the collection of the fees to pay that debt then ceased. Under these circumstances, your committee find that the Government are yearly receiving large sums of money through the collections of the legal profession, on which your society may lay reasonable claim.

10. Your committee recommend, in view of these facts, that application should be made to the Government to appropriate out of the funds derived from law stamps a sum of about \$15,000 a year towards providing for and maintaining the proposed system of short-hand reporting—a sum which your committee consider will be sufficient at present for the purposes contemplated in this report.

We have already called attention to this subject, and last year (p. 127) shortly stated wherein some scheme of this sort would be beneficial. We are glad to see this report brought before the Benchers, as it puts the matter in a shape sufficiently tangible to invite an intelligent discussion. The estimated expense is less than we should have supposed would be necessary, and vastly less than the sum named by the Attorney General.

CANADA REPORTS.

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ELECTION CASES.

NORTH MIDDLESEX ELECTION PETITION.

CAMERON V. McDOUGALL.

Treating—Meetings—36 Vict. cap. 2, secs. 2, 3.

After the nomination of the candidates in a rural constituency, and on another occasion after a meeting assembled "for the purpose of promoting the election of a candidate," the electors dispersed to various taverns, mostly to where their vehicles were put up, and then, according to the usual custom, treated each other before starting. The respondent himself partook of a treat.

Held, That this was not a contravention of 36 Vict. cap. 2, sec. 2, and that the respondent was not disqualified under sec. 3, ss. 2 of same Act.

Treating per se is not, except when made so by statute, a corrupt act, but the intent of the party treating may make it so, and this intent must be gathered from the circumstances attending it. Where, therefore, it was sought to disqualify a candidate who had treated during his canvass, though to a much less extent than was his habit previously, and who did not seem to have treated for the purpose of ingratiating himself with the public: *held*, that such treating was not a corrupt act.

Held also, following the decision of the Chancellor in the *Dundas Case* (not reported), that the meeting of electors at the nomination of candidates is a meeting "for the purpose of promoting the election of a candidate," within the meaning of 36 Vict. cap. 2, sec. 2.

[September 28, 1875.—SPRAGGE, C.]

This petition was tried at London.

J. K. Kerr, for petitioner.

R. A. Harrison, Q. C., for respondent.

The facts sufficiently appear in the judgment of SPRAGGE, C.—One point taken by the petitioner was, that there were meetings of electors within the meaning of s. 61, of 32 Vict. c. 21, (Ont.) as altered by 36 Vict. cap. 2, sec. 2, at which there was treating within the meaning of that section ; and that the same being with the actual knowledge and consent of the respondent, he thereby lost his seat and was disqualified.

Mr. Kerr's contention upon this point is that it is immaterial whether the treating was by the candidate himself, or by an agent, or by a stranger, and that the motive and intent are, under the section as amended, immaterial : that all that is necessary to bring the case within the section is, that the treating is to a meeting of electors such as is described in this section, and that it is with the actual knowledge or consent (which Mr. Kerr reads, knowledge and consent) of the candidate : see 36 Vict. cap. 2, sec. 2, ss. 2.