

to and from a place called Silver Mountain. During the trip the respondent canvassed him for his vote, that is, he said he would like him to support him. Aikens said he would see. He made no promise, and nothing more passed between them. The respondent made no request to him to work for him; he simply asked him for his support, and he saw and heard no more of or from him during the election.

On the day before the election Aikens and one Joseph Greer drove from Port Arthur to Hymers, arriving there in the evening. The trip was undertaken at the instance of Greer, who was not shewn to be an agent of the respondent. Greer requested Aikens to accompany him to Hymers, and in order to persuade him to do so told him he would procure a transfer of his vote to Hymers, so that he would not lose his vote by being absent from Port Arthur on polling day. And he afterwards brought and handed to Aikens a printed paper, signed by the respondent, apparently one of a number of scrutineer appointments which the respondent had signed in blank and left with his agent Mr. D. F. Burke. Aikens's name was not inserted by the respondent, and there is no evidence to shew by whom it was filled in. The number of the polling place was left blank, and never was filled in.

There is no proof of the means by which Greer became possessed of this paper. Aikens's testimony as to Greer's statements to him was received in anticipation, apparently, of proof of agency or of other testimony to shew the circumstances under which he obtained the paper, but Greer was not examined, and nothing further was shewn of the circumstances.

There was an entire failure to connect the respondent, through himself or his agents, with the giving of the paper to Aikens. What was proved falls far short of what is required in order to establish agency as against the respondent or to shift the burden of proof. The mere fact of Aikens having driven the respondent and receiving pay therefor 10 or 12 days before polling day is, of course, no proof whatever of agency on polling day. Neither is the request for his support made at the same time, nor are the two together, nor do they naturally support an inference that because of them Aikens would be found acting as an agent on the polling day at Hymers or elsewhere in the election. And, if the petitioner intended to rely upon the possession of the paper, it lay upon him to trace it and shew that it came to Aikens