

In the same year, 1915, the Legislature of the Province passed an act providing for the abolition upon proclamation of its Supreme Court and for the creation, also under proclamation, of a new court of original jurisdiction to be called the Court of King's Bench.

The proclamation provided by the provincial Act having been issued, the Supreme Court, which had jurisdiction over election petitions, was abolished, and the Court of King's Bench was established.

The judges who tried this case are judges of this Court of King's Bench, and it is contended by the appellant that they had no jurisdiction.

I would have been inclined to agree with the appellant on this point if it were not for the Dominion Statute passed in 1916 which declared (ch. 25, sect. 14, s.s. 2), that if under some statute of Canada, jurisdiction was given to the Supreme Court of Saskatchewan this jurisdiction could be exercised by the Court of King's Bench.

This federal legislation of 1916 removed all doubts as to the question of jurisdiction. Under the Dominion Controverted Elections Act, the judges of the Supreme Court of Saskatchewan had exclusive jurisdiction to try petitions concerning elections held for the Dominion Parliament in that province. But this jurisdiction, by virtue of the act of 1916, can now be exercised by the judges of the Court of King's Bench.

The most important point in this case is whether the appellant Johnson has been properly found guilty of a corrupt practice which rendered his election void.

It is alleged that he has made a false return of his election expenses.

The evidence shows that a Mr. McRitchie had been appointed by the candidate Johnson as his official agent, that on the 28th of November, 1921, between the nomination and the polling day, cheques were issued by the Moose Jaw Constituency Committee of the Progressive party for the payment of certain election expenses to the amount of \$1,251.05 which had been incurred by Mr. Johnson; that the cheques were paid without the knowledge of the official agent; that the officers of the Committee having discovered that they had acted illegally in not having these payments made by the official agent (as provided by article 78-3, Dominion Elections Act) notified Mr. Johnson of their mistake; and that the agent, on the advice of the candidate, declared in his return of expenses that these payments of \$1,251.05 had been authorized by him.

It is in evidence also that two other bills were sent to the agent, one of \$20.00 claimed by the Paris Cafe for lunches supplied to the scrutineers of Mr. Johnson, and the other of \$68.00 for the services of a band on the night of the election, and that these two bills, though received before the return of the election expenses, were not mentioned in it.

It is contended by the appellant that these two bills were not election expenses.

These bills having been paid by the official agent, I cannot very easily follow the argument that they were not election expenses. These scrutineers, to whom lunches had been supplied, were doing some work for the benefit of the appellant's election. In fact, this item was not included because he feared that these lunches could not be considered as legitimate expenses. I would not say that they were or were not legitimate election expenses—we are not called upon to decide that—but they have been incurred in connection with the election and it was the imperative duty of the agent and of the candidate to mention them in the return (section 79, subsection 1-3 of the Dominion Elections Act).