

wrong in saying that in most cases these are paid for as soon as it is deemed safe so to do. In other words, the law upon this subject is systematically broken or evaded, and it strikes me as most desirable that some change should be made, and that the use for election purposes of public conveyances kept for hire should either be prohibited absolutely on the day of the election, or their owners should be permitted to let them out on election days at the usual rates of hire.

The hiring of these conveyances by Patterson being the only corrupt practice proved to have been committed in the judgment of both the Judges presiding at the trial, we are asked by counsel for the petitioner to hold that the election is void. In my opinion, however, we must give effect to the saving clause introduced in the Act by sec. 172, which, though not happily expressed, appears to me to be intended to meet such a case as the present, where the corrupt practices proved are of such trifling extent that it cannot reasonably be supposed that the result has in any way been affected by them. Indeed, if we are not to apply it in this case, we must, in effect, hold that the saving clause is practically a dead letter. The proper holding, in my opinion, must be that the corrupt practices proved have not voided the election, and that the respondent is entitled to retain his seat.

As to the question of the propriety of taking statutory declarations from persons giving information of alleged corrupt practices was much discussed during the trial and upon the argument before us, I think I should add a few words with regard to it. The impropriety of taking such declarations has been repeatedly pointed out, and the reasons why the practice is improper stated. When, however, the persons making these declarations are paid sums of money for making them, it is obvious that the impropriety is greatly increased. A new element is then introduced, adding seriously to the difficulty, already sufficiently great, of separating the truth from the mass of perjury which is so common a feature of election trials. It is a practice which is not only improper, but unwise, for it goes far to defeat its own object by necessarily casting an increased amount of suspicion and doubt upon the evidence of all witnesses who state that they have taken bribes for their votes.

The respondent should have the general costs of the petition and trial, but the petitioners may set off their costs of the charges upon which they succeeded, and there should be no costs to either party of the charges upon which we have disagreed.