

some five minutes, afterwards taking the third voter into his barn, where he gave him two or three drinks out of the bottle, and urged him to vote for the candidate with him. It did not appear that the latter saw C. take out the bottle, or knew it was in the wagon. The candidate having been elected a petition was filed against his return, and he was unseated on the charge of corrupt treating by C., and acquitted on all other charges.

*Held*, that the act of C. in giving liquor to the voter in the barn and urging him to support his candidate, was corrupt treating under the Elections Act.

C. was a member of a political association for a place within the electoral district supporting the candidate elected. There was no restriction on the members of the association to be confined in their work to the limits of the place for which it was formed, and the candidate admitted on the trial of the petition that he expected them to do the best they could for him generally.

*Held*, that the members were agents of their candidate throughout the whole district, and C. was therefore his agent.

Though the only act of corruption of which the sitting member was found guilty was trivial and unimportant in character, he was not entitled to the benefit of 54 & 55 Vict., c. 20, s. 19, as he had not used every means to secure a pure election. There were circumstances attending the commission of the corrupt act by C. which should have aroused his suspicions, and he should have cautioned C. against the commission of the act. Not having done so he had not brought himself within the terms of the above Act.

Appeal dismissed with costs.

*McCarthy*, Q.C., and *Stewart*, Q.C., for the appellant.

*Peters*, Q.C., Atty.-Gen. of P.E.I., for the respondent.

Manitoba.]

MARQUETTE ELECTION CASE.

[March 24.

KING v. ROCHE.

*Appeal—Preliminary objections—R.S.C., c. 9, ss. 12, 50—Dismissal of petition—Affidavit of petitioner.*

A petition under the Controverted Elections Act (R.S.C., c. 9) against the return of the respondent at the election for the House of Commons on June 23rd, 1896, was served on July 30th, and in September the petitioner was examined under s. 14 of the Act. Notice of motion was afterwards given to strike the petition off the files of the Court on the ground that the affidavit of the petitioner was false, it having appeared from his examination that he had no knowledge of the truth or otherwise of the matters sworn to in the affidavit. The Judge who heard the motion dismissed it, holding that the matter should have come up on preliminary objections filed under s. 12 of the act. His judgment was reversed by the full Court, and the petition struck off.

*Held*, that the Court had no jurisdiction to entertain an appeal from this decision. That an appeal only lies from a decision on a preliminary objection (s. 50), and that means a preliminary objection filed, under s. 12 within five days from the date of service of the petition.

Appeal quashed with costs.

*Howell*, Q.C., and *Chrysler*, Q.C., for the appellant.

*Tupper*, Q.C., for the respondent.