

PARLIAMENTARY ELECTIONS.

penalty on the person offending, and that bribery either by the candidate or his agent is the only offence that will void an election.

The distinction, therefore, between the Corrupt Practices Prevention (Imperial) Act of 1854, and the Ontario Act of 1868, which (for the purpose of a comparison between them) may be called the corresponding Act, is very important. By the Imperial Act, bribery, treating,—either of an individual or a meeting,—and undue influence either by the candidate or his agent, will void an election. By the Ontario Act only the offence of bribery by the candidate or his agent will have the same effect.

It will now be important to consider the Imperial Statute 31 & 32 Vic. cap. 125, to which the Ontario Statute, 34 Victoria, commonly called the Controverted Elections Act of 1871, corresponds, and note the distinctions between the two Acts, in so far as they affect the conclusions arrived at above with reference to the Imperial Act of 1854, and the Ontario Act of 1868.

By the Imperial Statute, 31 & 32 Victoria, section 3, bribery, treating and undue influence are declared to be corrupt practices; and by section 46 of the same Act it is declared that for the purpose of disqualifying a candidate in pursuance of section 36 of the Corrupt Practices Prevention Act of 1854, (a candidate guilty of corrupt practices other than bribery within section 43 of the 31 & 32 Victoria), the report of the Judge, before whom the election petition is tried, shall have the same effect as the report of a Committee of the House of Commons.

Section 43 of the same Act enacts that wherever it is proved that *bribery* has been committed by or with the knowledge or consent of the candidate, he shall be deemed guilty of personal bribery, and imposes certain very severe disqualifications for seven years.

By the Ontario Act, 34 Victoria, the Controverted Elections Act of 1871, section 46, it is declared that when any *corrupt practice* has been committed by or with the knowledge and consent of any candidate at an election, his election, if he shall be elected, shall be void, and he shall during the eight years next after the date of his being so found guilty, be incapable of being elected to, and of sitting in the Legislative Assembly, and various other

disabilities. Section 3 of the same Act defines “corrupt practices,” or “corrupt practice,” to mean bribery and undue influence, and illegal and prohibited acts in reference to elections—or any of such offences—as defined by Act of the Legislature.

It will be remembered that section 61 of of the 32 Victoria, prohibited the treating of electors, and imposed certain pecuniary penalties on any person guilty of the offence, but did not void the election, and that section 72 of the same Act defined the offence of undue influence, and imposed a penalty on any person committing the offence, but also did not void the election.

The 34 Vic. section 3, as we have seen, defines “corrupt practice” or “corrupt practices” to be bribery and undue influence, and *illegal and prohibited acts* in reference to elections,—or any of such offences—as defined by Act of the Legislature.

It is presumed that this definition will be held not to include every trifling act, but only such as partake of the same nature essentially as bribery and undue influence.

It will be seen, therefore, that by the joint operation of these two Ontario Acts, 32 & 34 Vic., bribery, undue influence, and perhaps the treating of meetings of electors, contrary to section 61 of the 32 Vic., by or with the knowledge or consent of the candidate, will void the election, but that the only offence that will affect the seat, when committed *by an agent*, is the offence of bribery.

What will avoid an election, therefore, under the existing law of the Province of Ontario may be generally stated to be:

Bribery, and it may be treating, under section 61 of 32 Vic., or undue influence by or with the knowledge or consent of the candidate himself, and also, possibly, general bribery, general treating, or general rioting throughout the constituency, although the candidate may have been wholly unconnected by himself or his agents with such general bribery, treating or rioting; but that bribery only *by an agent*, in the parliamentary sense of the term, will void the election, differing in this respect apparently from the law of England, for there, not only bribery, but also treating and undue influence by the act of the agent will have that effect.

As to what will render void a vote.—By section 47 of the 34 Vic., it is declared that “if