

ELECTION CASES.

Boyd, C., Teetzel, J.]

[May 16.]

SAULT STE. MARIE ELECTION PETITIONS.
COYNE AND GALVIN CASES.*Corrupt practices—American citizens—Tort committed within the Province—Service out of jurisdiction.*

Where American citizens had intervened in the conduct of Provincial elections and committed illegal and corrupt acts in connection therewith,

Held, that their foreign nationality or residence did not exempt them from penal consequences of their violations of the Election Act, R.S.O. 1897, c. 9. They had attorned to the jurisdiction of the Ontario Court by permitting and committing unlawful acts, which were consummated within the territorial boundary of the Province.

Held, also, that they had been properly served outside the jurisdiction under Con. Rule 162 (2) which permits service out of Ontario where the action is founded on a tort committed within the Province, which rule is made applicable to proceedings in election Courts by Rule LXIV., passed December 23rd, 1903, by the judges of the Court of Appeal for Ontario, under the authority conferred by R.S.O. 1897, c. 11, ss. 112, 113.

DuVernet, for the prosecution. *R. McKay* and *W. M. McKay*, for the accused.

Boyd, C., Teetzel, J.]

[May 16.]

SAULT STE. MARIE ELECTION PETITION.
LAMONT CASE.*Corrupt practices—Incriminating evidence—Certificate of judge.*

Where upon a summons calling on the defendant to shew cause why he should not be found guilty of certain alleged corrupt practices under the Ontario Election Act, R.S.O. 1897, c. 9, the only evidence taken was his own, and was given by him under the general objection raised by his counsel that he should not be called on to criminate himself.

Held, that by virtue of s. 189 (a) (b) of the Election Act, R.S.O. 1897, c. 9 (1), the defendant having answered truly all the questions put to him, was entitled to be indemnified against any penal results which might otherwise follow from the disclosures made by him, and could not be convicted on his own testimony.