

Elec. Case.]

MUSKOKA ELECTION PETITION.

[Ontario.]

not so much the question. It will undoubtedly operate upon some of them, especially in this district, a newly settled, sparsely peopled, and what may be called a poor settlement. Poor, because newly settled, and because the labours of the people are turned to the clearing of their land and the establishment of a home for their families. They have not received and are not receiving the return as yet of their labour. Their effort is to live until they can make their land remunerative; and such language must have been designed to operate upon them prejudicially and unduly as affecting their choice of a candidate; for, of course, the candidate in dispensing his favours will prefer those who supported him to those who opposed him. I don't place any stress upon the respondent calling himself the Government candidate or the ministerial candidate. It is the common mode of speaking. All that is meant by it is, that he is the person that the party which supports the ministry has selected as its candidate. No one thinks that the Government or ministry has actually selected a candidate and put him forward as its nominee in the contest. I do not think either that the respondent saying that *it was the custom and by parliamentary practice* he would have the influence and patronage, whether he was elected or not, alters the character or the force or effect of the language.

"It is the fact that the minister in his department has the patronage of it, and that the contractor has the choice of his workmen. And it would not lessen the objection of their holding out what they could do, and what they meant to do in the district, and how they meant to spend their money and distribute their patronage among the electors, by telling them at the same time that they had the right and power to act on these matters as they pleased—the minister by custom of parliamentary practice, and the contractor because he may do as he pleases with his own.

"I have found in more than one of these election trials that the voters are often urged to support the Government candidates as a matter of duty. Perhaps that is by confounding the ministry with the Government. Perhaps all parties should support the Government of the country, that is, should maintain the honour, credit, independence, and stability of our institutions as established according to the constitution, or in the words and in its proper sense—the Government. But to say that all parties should maintain the ministry of the day, or his party in power, is an absurdity. It was said

the late Dominion administration had become obnoxious to the people, but to contend that notwithstanding that, the people should support it, would be folly. It is said by the opponents of the present administration, that they should not be allowed to remain in office because of faults and failings and misconduct which one party can always make against another, and to say that the electors must support the present administration would also be an act of folly. When people are told they should support the Government candidate, it is because the person who so urges it is using unconsciously the word Government in its narrower sense, or is consciously using it as implying that the other candidate is hostile to the Government or constitution of the country, or as implying that it is more for the interest of the electors to stand by the party which has the power and patronage, than to aid a party which has nothing to give, and from which nothing can be got or expected.

"This latter argument is one closely trenching on forbidden ground. It may be presented in such a way as to be quite as objectionable as the language complained of against the respondent. What is it but a bid for electoral support by a promise of Government advantage in some material form or other? I put out of consideration all those arguments addressed to the electors by the candidates, the one saying he is in favour of a new road, or a canal, or a railway, or some other object, and that his opponent is not, and that he, the speaker, will press the performance of that work, and it will be a great advantage for the people of the constituency, because it is one of the duties of a representative to attend to matters of that kind, and he may as freely speak in that matter on such subjects as he may speak on changes in the school law, or in the tariff, or on any other matter not so peculiarly affecting the constituency. There is a difference between such a line of argument and the candidate saying he will have the patronage and influence of the Government in all the work and expenditure to be done or to be made in the constituency, and that he will have them whether he is elected or not, and that he will see that no outsiders participate in these benefits, even although he should add that he would have that power and patronage according to the custom of the parliamentary practice in such cases. I consider that, fairly interpreted, to be the exercise of undue influence, not of Government influence, but of influence in the name of the Government by the respondent, and if it be not that, or do not mean that, it means nothing. But I have no