

BRITTON, J.

JANUARY 7TH, 1903.

TRIAL.

CAREY v. SMITH.

*Parliamentary Elections—Ontario Election Act—Penalties—Bribery—
Change in Statute—Civil Remedy Gone—Voting without Taking
Oath*

Action against the financial agent of John J. Gallagher, one of the candidates for the Legislature of Ontario for the county of Frontenac, (1) under sec. 159 (2) of the Ontario Election Act for \$200 for bribery by giving money to one Eli Peters, a voter, to influence him to vote for Gallagher; and (2) under sec. 94 (5) for \$400 for voting without having taken the oath of qualification, having received from the returning officer a certificate entitling him to vote elsewhere than at the subdivision at which his name was on the list.

J. L. Whiting, K.C., and J. McDonald Mowat, Kingston, for plaintiff.

John McIntyre, K.C., and E. H. Smythe, K.C., for defendant.

BRITTON, J., held, as to the first claim, that the bribery was proved. Section 159 (2) had until 1900 read as follows:—"Every person so offending shall incur a penalty of \$200;" but in that year it was amended to read: "Every person so offending shall, on conviction, incur a penalty of \$200 and shall also be imprisoned for a term of six months." This amendment must have been intended to change not only the punishment, but also the way of dealing with offenders, and to prevent an informer proceeding in a civil action for the penalty. This result was to be regretted, but was inevitable. The second charge, he held, was made out, but the penalty should be reduced to \$40. Judgment for defendant on the first charge without costs, and for plaintiff for \$40 and general costs of the action on the second charge.

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TRIAL.

LIDDELL v. COPP-CLARK CO.

*Copyright—Infringement—Historical Work—Evidence of "Piratical"
Use of Copyrighted Book*

Action by the executors of the late Dean Liddell for an injunction and for damages for the infringement of their copyright in Dean Liddell's History of Rome in the writing and publication of Robertson and Henderson's High School History of Greece and Rome.

G. F. Shepley, K.C., for plaintiffs.