

The Court can decide on the question of fact as readily as the Judge at the trial. There is no contradictory evidence—nothing will depend on the demeanor of the witnesses or their manner of giving their evidence.

An important question may also arise on the meaning of the Statute of 1873, governing this Election. The 18th section reads as follows:—

*No Candidate at any Election shall, directly or indirectly, employ any means of corruption by giving any sum of money, office, place, employment, gratuity, reward, or any bond, bill, or note, or conveyance of land, or any promise of the same; nor shall he, either by himself or his authorized agent for that purpose, threaten any elector with losing any office, salary, income, or advantage, with the intent to corrupt or bribe any elector to vote for such Candidate, or to keep back any elector from voting for any other Candidate; nor shall he open and support, or cause to be opened and supported at his costs and charges, any house of public entertainment for the accommodation of the electors. And if any representative returned to the House of Commons is proved guilty before the proper tribunal, of using any of the above means to procure his Election, his Election shall be thereby declared void, and he shall be incapable of being a Candidate, or being elected or returned during that Parliament.*

Mr. *Harrison*, in speaking to the agency question, argued, as I understood him, that in this section nothing but such personal bribery as would disqualify him could void the Election.

I hold that bribery was committed by agents of Respondent sufficient to void his Election, whether he knew or did not know of their acts.

If I be right in so holding, then perhaps it may be argued for the Petitioner, that if, in the words of the section, the Respondent "is found guilty of using any of the above means to procure his Election" his Election shall "be thereby declared void, and he shall be incapable of being a Candidate, or being elected or returned during that Parliament." In other words, to void the Election, I must find that the Respondent directly or indirectly employed means of corruption by giving any sum of money.

If I so find, as I do in the present case, it may be argued that the conclusion is irresistible—that as he is found guilty of using the prohibited means to secure his Election, not only is his Election to be declared void, but he shall be incapable of being a Candidate. The clause draws no distinction as to personal knowledge or assent. It may be, therefore, that the disqualifying must follow the voidance of the Election. The Act is peculiarly worded.

The Election is set aside, and all the costs must be paid by the Respondent. There were the most ample grounds to warrant the Petition, and the personal charges made against the Respondent, and I see no reason for adopting Mr. *Harrison's* argument, that the costs should be apportioned, not all the charges being proved. It was at the suggestion of the Court that Petitioner stopped calling further witnesses to prove bribery. I shall report that the Respondent was not duly returned, and that the Election was void; that no corrupt practice has been proved to have been committed by or with the knowledge or consent of the Respondent:—that *Daniel Hagarty, Henry C. Greene, Frederick A. Fitzgerald, John Campbell, Joseph Broadbent, James Fitzgerald, John Doyle, Robert Henderson, George Hiscox, Marvyn Knowlton, William J. Thompson, John E. Robinson, Philip Cook, John J. Magee, Thomas H. Smallman, George Reaves and Edward Harris* have been proved, in my judgment, to have been guilty of corrupt practices, and that corrupt practices have extensively prevailed at this said Election.

The trial is now over, and I may venture to hope, that these shameful disclosures will prove the death blow to the practice of bribery in this, if not in other constituencies. Public opinion will, it is hoped, at last stamp with emphatic disapproval, the practice of bribery. The briber and the bribed should stand on precisely the same footing. Many will, with perfect justice, attribute a far larger blame to men of education and position who tempt the ignorant and the poor to the sin of selling their votes to the highest bidder.