

Elec. Case.]

NORTH VICTORIA ELECTION PETITION.

[Dominion-

canvassing the town, or speaking on one side or the other, still we could not say that the candidate should be unseated on that account. Every bit of canvassing and acting for a candidate is evidence to show agency—but the result cannot depend on any precise rule that I could define." p. 120. The acts in question in the case just referred to were one Harrison, who had a number of workmen in his employment, gave a breakfast to them on the morning of the poll; he expected about 40, but about 70 came; he told the men that they could bring their friends with them. He ordered a break and three omnibuses on the polling day and drove some to the poll, remaining on the box while they went into the polling booth. He was a Liberal. There were several Conservative voters among his guests. He swore the breakfast was not given to influence the voters. He was not on the Liberal committee. He attended the committee room once or twice to make inquiries. He received a book from the clerk of the Liberal committee containing the names of his men who were voters. He accompanied Mr. Bosley (an acknowledged agent of the candidate) once or twice when he was canvassing. He received letters from the Liberal candidate thanking him for the services he had rendered at the election. He said he acted only as a volunteer. He took three sets of voters to the poll and afterwards drove them to his house. His house was clear by one o'clock. Bodenham, an agent of the candidates, asked Harrison to canvass two named voters, which he did. The invitation to breakfast was to everybody, and to everybody's friends; it was to the whole town, and everybody that liked to come was to come. Edwards, the committee clerk, invited people there and brought them up. So did Williams, Rowlands, Lloyd, and probably others who were committee men did the like. The Judge then said, "I do not say that any one of these things would satisfy me that Harrison was an agent. Taking simply the fact that he gave this breakfast, or merely that he had gone with Mr. Bosley to canvass, I do not say that that would satisfy me, though it goes strongly to prove it; nor would the fact that Bosley had spoken of him afterwards as having done such good service; nor yet do I say that the fact that Williams, a committee man, brought people to the breakfast would satisfy me; nor yet that Edwards, who had been employed about those railway men to some extent, brought people up to the breakfast; nor yet that Lloyd was there; nor yet that Davis was there. No one of these things, by itself, satisfies

me that Harrison's breakfast was one for which the party are to be considered responsible; yet, taking them altogether, a number of little pieces of evidence, do produce an effect on my mind which leads me to say that, according to the usual rules in parliamentary matters, that this, which is certainly an act of corruption, is so closely brought home to the agents and persons in authority as to constitute them accessories to it, and for which the candidates ought to be responsible. I cannot come to any other conclusion than that this act is one which avoids the election."

There is one other case to which I shall refer for the language of the Judge—the *Taunton case*, 30 L. T. N. S. 125. Grove, J., said: "I am of opinion that to establish agency for which the candidate would be responsible he must be proved to have by himself, or by his authorized agent, employed the persons whose conduct is impugned to act in his behalf, or have, to some extent, put himself in their hands, or to have made common cause with them. All these, or either of these, for the purpose of promoting his election. Mere non-interference with parties who, feeling an interest in the success of the candidate, is not sufficient in my judgment to saddle the candidate with any unlawful acts of which the tribunal is satisfied he or his authorized agent is ignorant."

In the *Westbury case*, 20 L. T. N. S. 24, Willes, J., said: "If I find a person's name on a committee from the beginning, that he attended meetings of it, that he also canvassed, that his canvass was recognized, I must require considerable argument to satisfy me that he was not an agent within the meaning of the Act." In the same case, 1 O. & H. 48, it is also said, that authority to canvass certain workmen would not be an authority to canvass beyond those workmen. With respect to anything done as to voters other than those workmen, it might very well be said that was no agency, but within the scope of the authority to act as agent, there was quite as strong a responsibility on the part of the candidate, as there would be in the case of a general authority to canvass.

In the *Penryn case*, C. & D. 61, one Sewell, on the authority of resolutions passed at a meeting in the borough, went to London and brought down the sitting member as a candidate. The two attended a meeting together, going there in company. Sewell was appointed chairman by the company present. It was a meeting of the sitting member's friends. Sewell accompanied the member generally on his canvass, and he