of a jury simply because it is dissatisfied with them, nor can the Court be substituted for a jury in determining the facts, where there is reasonable evidence pro and con, that ought to be submitted to a jury.

In the present case, taking the view that I do of the liability of defendant company for the acts of their agent, and it being clear that the agent was acting in the course of his employment in canvassing for subscriptions, although he made statements which were not authorized by the company, no finding such as is made in answer to question 6 can be sustained, nor is there any reason to think that new light can be thrown upon the case by a new trial. There can, therefore, be no object, so far as I can see, in sending the case back for a new trial, when, upon the view taken, only one result ought to follow.

I am, therefore, of the opinion that judgment should be entered against both defendants with costs, and that plaintiffs' appeal should be allowed with costs, and the appeal of defendant Tibbs be dismissed with costs.

BOYD, C., TEETZEL, J.   MAY 16TH, 1905.

ELECTION COURT.

RE SAULT STE. MARIE PROVINCIAL ELECTION.

Parliamentary Elections — Corrupt Practices — Summary Trial of Offenders—Jurisdiction over Foreigners—Service of Summonses in Foreign Country—Application of Con. Rule 162 (e)—Furnishing Refreshments to Voters—Procuring Personation of Voters—Procuring Unqualified Persons to Vote—Providing Free Transportation for Voters— Transportation by Water—Construction of Statute— Ejusdem Generis Rule — Fines—Costs—Imprisonment— Evidence of Person Accused—Certificate of Indemnity.

Summonses against Galvin, Coyne, Kennedy, and Lamont, for corrupt practices committed at a provincial election.

E. E. A. Du Vernet, for prosecutor.

R. McKay and W. M. McKay, for the accused.

The judgment of the Court (BOYD, C., TEETZEL, J.), was delivered by

BOYD, C.:—The preliminary objection in the cases of Galvin and Coyne as to want of jurisdiction ought not to prevail. These persons, claiming to be American citizens,