

canvassed, as he says, extensively for three weeks without having come across traces of the bribery and of the expenditure of large sums of money.

I need hardly say that I am much impressed by the force of this reasoning, and that it is difficult to see how, in the nature of things, the bribery and the expenditure could both have remain unknown and unsuspected. Actual ignorance of the prevalence of bribery in this case can only be preserved by a wilful and determined resolution to be and remain ignorant by a studious and systematical refusal to listen to anything he hears as to the expenses of the Election; by insisting on the subject being always a forbidden subject of discussion: by shrinking from it, and averting the eyes from it whenever it appeared to be coming to the light, and by a tacit, if not an express understanding between all the instruments of corruption, that the party chiefly interested should be kept ignorant of the wickedness that was being daily practiced. I am compelled to conclude that only by the most rigid adherence to such a stringent system could the Respondent be able, with literal truth, to make the statement of innocence that he has made before me. I am profoundly impressed with a sense of the mischief that may be caused by allowing such a course to be adopted with success, that it must be in effect violating the spirit, while keeping outside the letter of the law. I am also well aware that, to the understanding of the public at large, for whose benefit and guidance laws are enacted, it is not easy to explain satisfactorily how such a course can be adopted by a Candidate for their suffrages, and yet the personal punishment provided by law be escaped. I am not here to deal with the case on moral, but on strictly legal ground; not as I think how the general understanding of intelligent men may regard it, looking at it in its prominent light, but unembarrassed by the heavy sense of responsibility that weighs on one filling my position, a position so forcibly described by the words of a great English judge: "I cannot imagine to myself a jurisdiction more painful or more responsible than that of a judge deciding, without the assistance of a jury, that the Candidate has been personally guilty of so grievous an offence."

All the circumstantial evidence, all the probabilities of the case point forcibly to the Respondent's knowledge; all the direct testimony that has been brought forward points the other way.

Witness after witness, after describing the days spent in bribery, winds up with the declaration that he never spoke to the Respondent on any matter connected with money, or with the expenses of the Election. The testimony of *Harris*, *Smallman*, and of the Respondent, declares the latter ignorant of the large payments by the former.

I feel far less difficulty in accepting the Respondent's denial of any knowledge of *Harris's* advances than on the general question of his knowledge of money being illegally spent, without reference to the sources of its supply.

If there were any testimony affirming Respondent's knowledge, or any balancing of evidence on the subject, I do not think I could accept his direct denial against the powerful pressure of the general facts, to say nothing of the general probabilities of the case. The latter would certainly turn the scale against his assertion.

I can appreciate the embarrassment of a jury, where a witness positively declares that he did not see, and was actually ignorant of the occurrence of an event, which, according to all human probabilities, he must have witnessed, and must have been cognizant of.

In such a case, they can perhaps only accept his denial, on the assumption that he wilfully shut his eyes and ears, and was resolved not to see or hear it. I feel very much in the same embarrassed state, with a larger measure of doubt and hesitation than I remember to have troubled me during a long legal life. I have come to the conclusion not to report the Respondent as personally guilty of the abominable and shameless conduct that has disgraced the last Election for this City.

I am pleased to remember that this finding, with all other findings, can be reviewed by the Court of which I am a member; and, if on the evidence, my decision should have been the other way, the learned Judges can so decide.