

town; when, as has followed the passing of such by-laws in other places, the taverns are closed, farmers will not come here, and so you will be directly injuring yourselves by passing such a by-law. Apparently, the temperance party, who were interesting themselves in having the local option by-law passed, had from their friends secured a sum of money which they intended to apply, in the event of the by-law being passed, in a certain way, that is, the way already mentioned. Now, all that was done was to make public the fact that that fund was ready to be used in the event of the by-law being passed. There was no other purpose for the fund. That distinguishes the case very much from the cases which have been relied upon by counsel for the applicant.

Possibly it may be said that it was not a legitimate argument to be used; I do not know that it can be said even that what was done was ethically wrong, and I certainly think it cannot be said it was bribery. There was no personal advantage promised to any one. At the most only an indirect advantage would be derived by persons living within the municipality from having such an hotel within its limits, with the free facilities that were intended to be provided in the event of the by-law being passed.

I do not think any of the cases require me to hold that what was said constituted bribery.

It was not any benefit to any individual voter. The argument was that the passing of the by-law would be a financial benefit to the whole community; but, even if technically that comes within the provisions of the statute, I think the applicant has failed to make out a case within sec. 381.

I am not at all satisfied that the by-law was procured by means of any such statements or promises.

As I have already pointed out, the majority in favour of the by-law was 41, from which there are to be deducted 5 tenant voters, leaving 36.

After searching the whole of this village, all that the applicant has been able to procure is an affidavit—not from electors who say they were influenced—but from a man who probably was an active opponent of the by-law, who says that two persons told him that they were influenced by the promises made by the promoters of the by-law.