

that all that took place in the room was the giving of the explanation; and he entirely denies the matters alleged in support of the present charges.

I cannot say that the evidence leaves on my mind the slightest impression of the truth of the charges made by McDougall. I should, if necessary, apply to the charges, as also to those respecting Robins and Peake, the caution which has been on other occasions urged as necessary in dealing with evidence of an unaccepted offer. But there does not exist, in my view, any necessity for resorting to that rule. I am satisfied from the whole evidence which I have heard that the contest was carried on by the respondent with a scrupulous and honest endeavor to avoid any violation of the law against corrupt practices. I regard it as improbable to so high a degree as to be incredible, except on the clearest testimony, that the respondent should have attempted what McDougall swears to; and I find no difficulty in the conclusion that the evidence of McDougall is untrustworthy, when in addition to the circumstances to which I have already adverted, I bear in mind that he was animated by feelings of bitter personal hostility to Mr. Barber, whom he connected with the personal slights and wrongs, real or fancied, under which he smarted; and that the story he now tells was first told for the purpose of damaging Mr. Barber, and was now only told under circumstances which induce the belief that it would not now have been told if it had not been told before. I have not, in this statement, alluded particularly to the cross-examination of McDougall, and I need say no more as to it, than that it fully bears out the view which I have expressed.

I dismiss the petition with costs.

The petitioners appealed from the above judgment to the Court of Appeal, but the appeal was dismissed with costs.

(10 *Commons Journal*, 1876, p. 32.)