

The next case mentioned in the papers is that of Fleurant, but nothing was said about this case at the hearing.

The case to which the greatest importance seems to be attached is that of Eusebe Laurin. This was said to be undue influence exercised by paying Laurin money to engage men to go to the poll on nomination day to "keep order" as it was called. The money was paid by Mr. Ouimet; it was employed in part at least for some such purpose, and the balance was offered back to Mr. Ouimet, who said, "restez tranquille. On règlera plus tard." There is nothing to connect Leblanc with this proceeding. There was some misapprehension as to whether this money was offered to Mr. Ouimet or to Mr. Leblanc, but must have been to Mr. Ouimet. Laurin's evidence makes this certain. He says, at page 98 that the language used was as I have mentioned, adding: "Comme je vous ai dit tantôt." Looking back to what he had said before, and to which he refers, we find (p. 74) that it was Mr. Ouimet who said this, and not Leblanc. We are not called upon to say whether this money was used corruptly or not as long as Mr. Leblanc is not shown to be connected with the payment of it.

The next case is that of Camille Leclaire. This was an alleged promise of a place to Leclaire to induce him to vote for Leblanc, and also the subsequent giving of a place to him to recompense him for his work in the election of 1882. All that is proved is that Mr. Ouimet was using influence on one occasion with Mr. Mousseau to get him to fulfil the promise of a place previously made by Mr. Loranger, who had represented the county; and Mr. Leblanc, who was not even a candidate at that time, happened to be present. We therefore consider that the recriminatory demand made against Mr. Leblanc in these particulars is unfounded.

Then there is a general pretension that there was an organization to supply money for this election, and that Mr. Leblanc must have known of it. We are of that opinion also; but to that extent merely; and no further. There is no evidence of his personal knowledge of the manner of using that money, except where some of it was used lawfully. For instance, he must have known that money was supplied by Mr. Hughes. He himself got some, and paid part of his deposit with the returning officer, as he might legally do, with money he got from Mr. Hughes and Mr. Ouimet; but he is not connected personally, as far as we can see, with any objectionable or corrupt expenditure of that money. We therefore acquit Mr. Leblanc of the charges in the counter-petition.

The next part of the case relates to the proceeding taken by Mr. Gaboury against Mr. Ouimet. This, too, was taken at the same time, and was produced with the answer and served upon Mr. Ouimet, who appeared under

reserve, and moved to reject the demand made against him, and which prayed for his disqualification. That motion was granted by Judge Mathieu, and we all agree it was properly granted. Another notice, with a copy of the bill of particulars against Mr. Leblanc was afterwards served upon Mr. Ouimet, and that notice was allowed to remain in the record for whatever it might be worth. There appears to have been some misapprehension as to the ruling of Mr. Justice Papineau upon Mr. Ouimet's motion to reject this second notice. However that may be, we have now to consider whether the section 270 of the Quebec election act reaches Mr. Ouimet, who is not alleged to have been a candidate at the election of 1882; but merely to have acted in the interest of the candidate who was Mr. Leblanc. The sections of the act to be looked at are from 269 to 274 inclusive. Sec. 269 disqualifies any candidate who may employ any person as a canvasser or agent, knowing that such person has, within eight years, been found guilty of any corrupt practice by any competent legal tribunal, or by the report of a judge.

Sec. 270 disqualifies *any person* found guilty of any corrupt practice in any proceeding in which, after notice of the charge, he has had an opportunity of being heard.

Sec. 271 merely relates to the cessation of the incapacity *where* such person is disqualified upon the testimony of witnesses subsequently convicted of perjury.

Sections 272, 3 and 4 supply the means to be used and the proceedings to be taken before a party can be found guilty of corrupt practices, entailing both on himself as well as on the candidate who may employ him, consequences so serious and so penal. The majority of the court think that these sections must be taken together. We find that under 272, 273 and 274 a regular summons to appear at a place, day and hour fixed, must be issued. We find that if the party fails to appear, he may be condemned on evidence already adduced on the trial of the election petition; but that if he does appear, the case is to go on as an ordinary case, and judgment, after hearing, is to be given on evidence then to be adduced. We find it difficult to conceive that all these safeguards should be provided if the party could be found guilty after a mere ordinary notice. We think that the words "after notice" in this section are mere matters of course, signifying that no judgment finding a person guilty of corrupt practices could be rendered without notice. We are strengthened in this view by the fact that our sections 272-3 and 4 are not found in any of the provisions of the English Statute. The English statute, however, does contain very much the same provision as our section 270. The Parliamentary elections act of 1868, sec. 45, provides that "any person other than a can-