the elector intended to vote, I should say the necessity justified the declaration he was forced to make, and there is nothing in the Act which prevents an elector from saying, if he choose to say, for whom he intends to vote. It is true the only mode of voting is by ballot, and that the elector may change his mind up to the moment of putting his cross on the paper. But I am dealing with cases in which the electors have been refused the ballot papers and have had their votes rejected. And if the question is at last reduced to this, whether any person can be said to have had a right to vote to whom the deputy returning officer has refused to give a ballot paper, I have no hesitation in answering that in the affirmative. Were it otherwise there would be an end of election by the people, and it would follow that because the officer had wrongfully refused to give a ballot paper to a good voter, the voter had not a vote in fact or in law. It is true the election may be avoided if these rejected votes would have affected the result of the election; but that is no proper remedy to the voter, and a new election is a serious matter, and is surely not to be resorted to but in the last extremity, and only if no other adequate remedy can be found, and it must be borne in mind that the new election does not determine who should have been returned at the former election, for there may be a different voters' list, death and other circumstances may have changed the constituency, and the opinions of the electors may have since been altered. But in my opinion there is another and a better remedy. I have expressed my opinion on it at large because it is an important matter, although in my opinion I am not obliged to act upon the votes which were so rejected, and I do not act upon them. These votes would add to the petitioner's majority. But the majority he has without these votes is sufficient for the purposes of this election: unless that result can be impeached upon the charge of bribery and treating, which has been made against him, and if it can be sustained then it is still of no consequence whether the votes last referred to be added to the first named majority of three or not, because a greater number of votes than all the classes in the petitioner's favour combined will have to be struck from his poll.

This brings me to the next question—the one as to the alleged agency of William Peters. So much stress and reliance have been placed upon this part of the case that I shall be obliged to state precisely what the evidence was, which it is said constitutes the bribery and treating by Peters, and the alleged agency of Peters for the petitioner. I shall first of all state what, according to my opinion from the decided cases, it is required as necessary to establish the fact of agency by any person on behalf of a candidate.

In the *Hereford case*, 21 L. T. N. S. 119, Blackburn, J., said: "In the common law a man is not responsible for the act of his agent except when it is done directly according to an authority which is given to him. In parliamentary law it is otherwise. A candidate who has really meant that his agent should not commit a corrupt act is nevertheless responsible to the extent of losing his seat if the agent does commit a corrupt act, and for that difference in the law, established by parliamentary committees formerly, and now recognized by statute, it seems to me there are two principal motives, I will not say they are the only ones, but they are two principal motives. It would not be possible to unseat a person for corrupt practices, if he were permitted by the means of persons who acted for him or who brought him forward, either one or the other, to obtain the benefit of their aid, if he were not to be also responsible to the extent of losing his seat for the corrupt practices that were done by them for his benefit. That is one of the great reasons for which, as a matter of public policy, it was thought necessary in order that it might check corrupt practices, to establish that principle. Another, and a very considerable reason no doubt, was that in all elections where extensive corrupt practices, bribery and the like prevailed, great care was always taken that the candidate should be ignorant about it. * * * And from the loose morality which formerly did prevail at elections, and which I do not say is completely got rid of, candidates did think themselves bound in honour to pay, and did pay. * * * And the question very much was, was that agent, when doing the thing, in such a position that there would be that claim on the candidate, according to the false morality of parliamentary election matters, to recoup him for what he had done! Now those are two reasons for the parliamentry law differing from the common law. They were not the only ones, but they do give two very good guides and assistances, and I apprehend that in a case where corrupt practices are shown, which the candidates themselves are not cognizant of, you must bear these two principal reasons in mind, and then, exercising what may be called common sense, you must see—does the particular corrupt act come within the rule as an act done by an agent? if it does not, then, though the person may have been