do not carry with them a declaration that the election shall be void, and that there is nothing else in the sub-section which has the effect of avoiding the election.

Let us test this by reading section 3 as applying to a defeated candidate. He will not be touched by sub-sec. 1, as he has not been elected; and when we simply omit from sub-sec. 2 the words which do not concern him, viz., "in addition to his election, if he has bsen elected, being void," every word that remains is perfectly applicable to him. There is no doubt of his disqualification by reason of a corrupt practice being done with his knowledge and consent.

If it is still urged that the first sub-section, though not in terms affecting a defeated candidate, must nevertheless be read with the second, or that the second must be read in the light of the first, as if the words were, "by the candidate, or *by his agent*, with his knowledge and consent," I answer that instead of importing into sub-section 2 words which cannot be so introduced without doing some violence to the structure of the clause, it will be much more in accordance with the spirit and object of the act, if any change of reading is to take place, to read the first sub-section by a slight transposition, as if worded thus:—"When it is found * * * that any corrupt practice has been committed at an election by any candidate *who has been elected*, or by his agent, whether with or without the actual knowledge or consent of such candidate, the election of such candidate shall be void," which in no way changes the effect of the sub-section; while, as it seems to me, it removes any pretence for modifying the reading of the second sub-section by any reference to the first, at all events, as far as the defeated candidate is concerned.

Then, is a defeated candidate to be disqualified on grounds which do not affect a successful candidate? The sub-section cannot be so construed. And if we read the disqualifying clause we find that the candidate is made incapable not only of "being elected to," but "*of sitting in*, the Legislative Assembly" "during the eight years next after the date of his being so found guilty"—a provision which of itself vacates the seat without the aid of the preceding part of the sub-section.

I do not, however, see any necessity for resorting to any subtlety of construction. The plain words of the section are, in my opinion, easily intelligible as they stand—the natural meaning being that a candidate, if elected, shall lose his seat in case a judge reports that any corrupt practice has been committed by him or his agent; that if a candidate commits or consents to the commission of any corrupt practice, he shall be subject to the penal disqualifications, which, if he has been elected, include but are not confined to the vacation of his seat.

*Appeal dismissed with costs.**

COMMON LAW CHAMBERS.

(*Reported by* HENRY O'BRIEN, ESQ., *Barrister-at-law.*)

GILMOUR V. STRICKLAND.

Change of venue—Preponderance of convenience.

The venue will not be changed, when there is no great preponderance of convenience, merely on the ground that the cause of action arose in the county to which it is sought to change the venue. The place where the cause of action arose is merely a circumstance in the discussion, and of no importance as compared with the preponderance of convenience.

[Oct. 6th, 1875.—MR. DALTON and HAGARTY, C.J. C.P.]

The defendant sought to change the venue from the county of Hastings to that of Peterboro'.

The action was in replevin for a quantity of timber alleged to have been taken from the plaintiff's limits in the county of Peterboro'.

Osler showed cause, and read an affidavit made by plaintiff's attorney, stating that plaintiff intended calling twelve witnesses, all of whom resided in or near the county of Hastings; that they had no witnesses resident in Peterboro', and that four or five of these would be required as witnesses in two other cases at the assizes in Belleville (the county town of Hastings), in which the plaintiff was concerned.

J. K. Kerr supported the summons. The cause of action arose in Peterboro'. Defendants' affidavit showed, moreover, that both defendants resided there, and that they intended calling fourteen witnesses, who also resided there.

MR. DALTON held that there was not any such preponderance of convenience shewn in favour of a trial at Peterboro' as should induce him to change the venue which the plaintiff had selected, and he accordingly discharged the summons.

From this decision defendants appealed, and

* The opinions above expressed were declared to be decisive in the *North Grey Election Case*, which was also before the Court on appeal from the decision of Mr. Justice Gwynne. His judgment in favour of the successful candidate, Mr. Scott, was therefore reversed, and the appeal allowed with costs.—REP.