

THE BRIBERY CASE.

The judgments delivered by him, and which are recorded in the reports, will be an enduring monument to his name, though found side by side with the decisions of other judges of the greatest eminence. The lamented Chief Justice also possessed, along with the higher qualities, those minor graces of character and manners which so well become the judicial office. While maintaining the dignity of the bench, he was gentle and courteous to all, and never failed to secure the esteem and respect of the bar, and his brightness and geniality in private life endeared him to all who were admitted to his intimacy."

The remarks of the Chief Justice of the Queen's Bench were to the following effect:—

"The Court will adjourn early to-day in order to pay the last tribute of respect to the distinguished judge who has just passed from amongst us. To say that his judicial career of thirty-four years has been one of unsullied purity is a tribute that may safely be paid to the memory of all departed judges of Ontario. The Province has had the benefit of his high attainments, patient labours, courteous manners and sagacious judgment, for a period almost equal to that of his greatest predecessor, Sir John Robinson, a name dear to all Canadians, and especially to the bench and bar of his much loved country.

"Chief Justice Spragge has been taken from us in the midst of his labours, dying in his harness as a good judicial soldier. For myself I have to lament the loss of a valued friend and fellow labourer for many long years, and to one toiling in the same field for nearly nine and twenty years his death speaks with a mournful significance and timely voice of warning."

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WE do not propose to discuss this political *cause celebre* at least at present, because in the first place the alleged offenders are now placed on their trial charged with high crimes and misdemeanours, and in the second place because of the difficulty of discussing any case where the strife of party politics enters as largely as it has in this case until the bitterness of the feeling engendered has died out. We can with great advantage, however, reproduce and re-

cord the weighty words of Chief Justice Hagarty in his charge to the Grand Jury at Toronto at the opening of the present Assize for the County of York. He thus spoke:—

"I understand that you will be asked to investigate a very serious and unusual charge against certain persons of conspiring to alter and frustrate the constitutional action of the Legislative Assembly of Ontario by bribing members to vote in opposition to the existing administration in questions arising in such Assembly. I am not aware of any case precisely in point having occurred either in England or in Canada. Although we would gladly accept the guidance of precedent, our regret at its absence is modified by the consideration that, perhaps for the first time in our history, it is charged that men were base enough to offer bribes to members of the Legislature, or that such members were considered base enough to be capable of accepting them. Although from the absence of direct authority the law on the subject is not as clear as we could wish, I shall charge you for the purpose of this enquiry that the law of England is sufficiently comprehensive and elastic to include within its grasp as a high misdemeanour the bribery of the representatives of the people to vote contrary to their duty or belief for the corrupt consideration of a money payment or other corrupt consideration. Parliament has in England on several occasions taken on itself the investigation of charges as to bribing its members. They have been expelled from the House; they have been proceeded against by bill or by impeachment. But no case like that before us has as yet been referred to, especially where the charge was of a general character, to induce by bribery an abandonment of one political party for the support of its opponents. Conspiracy has been often defined as an agreement together of two or more persons to do an unlawful act, or to do a lawful act by unlawful means, and the offence is complete as soon as the agreement is made. It is not necessary to prove that the parties charged met together and expressly agreed to do certain unlawful acts. Conspiracy is generally a matter of inference deduced from certain criminal acts of the parties accused, done in pursuance of an apparent criminal purpose in common between them. Of course the mere declaration or statement by one defendant that another defendant is engaged in an unlawful conspiracy, or is acting with him in it, is not in itself evidence against such other defendant, though both must be connected therewith by something done or said or assented to by himself. Where the charge is a conspiracy between four