

ment of the Court below, that upon the evidence which is reviewed in the judgments, the G. T. Railway tickets issued at Toronto and Stratford for the transportation of voters by rail to the polls in this case were free tickets, and that as the free tickets had been given to voters who were well known supporters of the respondent, prepared to vote for him and for him alone if they voted at all, it did not amount to paying the travelling expenses of voters within the meaning of sec. 88 of the Dominion Elections Act. *Berthier Election* case, 2 Can. S.C.R. 102, followed.

Per Strong, J. That the tickets issued by the G.T.R. having been furnished with notice that they were to be used as they were in fact, the price thereof could not have been recovered at law. Sec. 131 Dominion Elections Act.

Appeal allowed with costs.

Osler, Q.C., and *Ferguson*, for appellant.

Garrow, Q.C., for respondent.

April 4, 1892.

Ontario.]

WELLAND ELECTION APPEAL.

GERMAN V. ROTHERY.

Election—Promise to procure employment by candidate—Finding of the trial Judges—49 Vic. ch. 8, sec. 84 (b).

On a charge by the petitioner that the appellant had been guilty personally of a corrupt practice by promising to a voter W. to endeavour to procure him a situation in order to induce him to vote, and that such promise was subsequently carried into effect, the trial judges held on the evidence that the charge had been proved.

The promise was charged as having been made in the township of Thorold on the 28th February, 1891. The evidence of W., who some time before the trial made a declaration upon which the charge was based at the instance of the solicitor for the petitioner, and had got for such declaration employment in Montreal from the C. P. R. Co. until the trial took place, was principally relied on in support of the charge, and the promise was found by the Court to have been made on the 17th February. Moreover G., the appellant, although denying the charge, admitted in his examination that he intimated to the voter that he would assist him, and there was evidence that after the elections, he wrote to W. and procured him the situation, but the letter