

## DURHAM, WEST RIDING, CONTROVERTED ELECTION.

*In the High Court of Justice for Ontario.*

## THE DOMINION CONTROVERTED ELECTIONS ACT.

Election of a Member for the House of Commons of Canada for the Electoral District of West Durham, holden on the 31st day of October, A.D. 1900, and the 7th day of November, A.D. 1900.

Between

CHARLES BURNHAM,

*Petitioner;*

and

CHARLES JONAS THORNTON and  
THOMAS BINGHAM,*Respondents.*

To the Honourable

The Speaker of the House of Commons of Canada.

We, the Honourable William Glenholme Falconbridge, Chief Justice of the King's Bench of the Province of Ontario, and the Honourable William Purvis Rochfort Street, one of the Justices thereof, do hereby certify that the Petitioner, Charles Burnham, an Elector of the said Electoral District of West Durham, by his Petition herein alleged that the Respondent, Thomas Bingham, was the Returning Officer at the said Election, and that one Robert Beith, not a party to the said Petition, was the only Candidate duly nominated thereat; that the Respondent, Charles Jonas Thornton claimed to be a Candidate thereat, but that by reason of his not having complied with the Statute, his nomination as a Candidate was void and of no effect; that the said Respondent, Thomas Bingham, notwithstanding that the said Robert Beith was the only Candidate duly nominated as aforesaid, and was therefore entitled to be returned as having been elected had refused to return him as elected, and not returned either the said Robert Beith or the said Charles Jonas Thornton as having been elected, and the Petitioner therefore prayed that the said Respondent, Thomas Bingham, might be ordered to return the said Robert Beith as having been elected or that he might be declared to have been so elected. In the alternative the Petitioner alleged that the Respondent, Charles Jonas Thornton, was not entitled to be declared to have been elected, even though it should be found that he had been duly nominated and had received a majority of the votes cast at the said election, because the said Respondent, Charles Jonas Thornton, had been guilty by himself and his agents of corrupt practices at the said Election, whereby the said Election of the said Charles Jonas Thornton was in any event void.

The said Petition, by reason of certain preliminary objections and an appeal thereon to the Supreme Court of Canada, was never at issue until the tenth day of May, A.D. 1901, and was tried before us at the Town of Cobourg, on the 7th and 8th days of June, 1901, whereupon having heard the evidence adduced, and the Petitioner having abandoned his claim to have the said Robert Beith declared to have been elected, we determined and adjudged that William L. Gerrie, an agent of the said Respondent, Charles Jonas Thornton, at the said Election had been guilty of corrupt practices at the said Election, but without the knowledge or consent of the said Charles Jonas Thornton; whereupon the said Charles Jonas Thornton abandoned his claim to be declared to have been elected.

We further certify and report as follows:—

That no corrupt practice was proved to have been committed by or with the knowledge and consent of either of the Candidates at the said Election;