

PARLIAMENTARY ELECTIONS.

its language. Whenever therefore, the act prohibited is not in its very nature necessarily corrupt, such as bribery, I feel an almost insuperable difficulty in holding it to be a corrupt practice involving such momentous consequences, unless it be done corruptly."

His lordship then cited a number of English cases upon the meaning of the term "corruptly," among which were the *Bewdley Case*, 1 O'M. & H. 19; *Hereford, Ib.* 195; *Lichfield, Ib.* 25; *Coventry, Ib.* 106; *Bodmin, Ib.* 125, and then continued, "On both the occasions when entertainment was given, the respondent, according to his uncontradicted evidence, was still undecided as to his becoming a candidate. When the meeting breaks up, he offers, and does treat all persons there: the amount expended was, on the first occasion \$5; in the second \$12. I feel bound to say that the evidence given by the respondent seemed given with great candour., and favorably impressed me as to its truth, and I feel wholly unable to draw from it any honest belief, that he provided this entertainment, consisting apparently of a glass of liquor all round, with any idea that he was thereby seeking to influence the election, or promote his election in any of the senses referred to in the cases. He was unaware of the state of the law upon this subject, as he says. He is not to be excused upon the ground of his ignorance; but the fact (his ignorance), is not wholly unimportant as bearing on the common custom of the country, too common as it unfortunately is, of making all friendly meetings the occasion or the excuse of a drink or treat. The strong impression on my mind, and I think it would be the impression of any honest jury, is that the treats in question were just given in the common course of things, as following a common custom. In the appropriate language already cited, the judge must satisfy himself, whether that which was done, was really done in so unusual and suspicious a manner, that he ought to impute to the person a criminal intention in doing it."

And in connection with the above remarks of the learned Judge, we will quote the language of Mr. Justice Willes, in the *Westbury Case*, 1 O'M. & H. 50, where he says that "he did not wish it to be supposed (as had been supposed by some people from some expression of his in another case) that treating a single glass of beer would not be treating if

it were really given to induce a man to vote or not to vote. All he had ever said was that that was not sufficient to bring his mind to the conclusion that the intention existed, to influence a man's vote by so small a quantity of liquor."

It will be unnecessary here to follow further the judgment in this case, but merely to state that the learned Judge held that the respondent had been duly returned.

In the *Carleton Election Case*, tried before V. C. Mowat, certain acts of bribery were proved, and the counsel for the respondent admitted that bribery had been committed by an agent, but without the knowledge or consent of the candidate. The election was declared void.

It will be important to notice, in reference to this election petition, one or two decisions given by the learned Judge who tried it.

In reference to section 3 of the 32 Vic., which declares that "no returning officer, deputy returning officer, election clerk, or poll clerk, and no person who at any time, either during the election or before the election, is or has been employed at the said election, or in reference thereto, or for the purpose of forwarding the same, by any candidate, or by any person whomsoever, as counsel, agent, attorney, or clerk, at any polling place at any such election, or in any other capacity whatever, and who has received or expects to receive, either before, during, or after the said election from any candidate, or from any person whomsoever, for acting in any such capacity as aforesaid, any sum of money, fee, office, place, or employment, or any promise, pledge or security whatever, therefor, shall be entitled to vote at any election," it was held that where a voter had voted without having received any money or offer of money, or without the expectation of receiving any money, and after he had voted he was employed as paid agent, the vote was good.

In reference to the question of the reception of evidence of what took place at a former election, it was held that evidence might be given of any circumstances connected with any former election, when that circumstance, threw, or tended to throw any light upon the election, the subject of the petition in question.

In the *Brockville Case* evidence has been given intended to show that undue influence