made could not have been made in order to nduce him to vote or refrain from voting; and this renders Sufferin's version of it highly improbable. He is, moreover, contradicted by two witnesses besides the respondent. Sufferin himself admits, "I was not induced to support him by this offer of the $3,000(that is, as to the laying out of $3,000 on the roads in his township); it made no definite impression on my mind at the time;" and the conduct of this witness was such as not unnaturally to call forth the remark from the Judge, that it was not straightforward dealing, and was calculated, and perhaps purposely so, to deceive. This also, subject to the investigation of the two other charges, he held to be not proved. "But," adds the learned judge, "the other charges, if severally sworn to by a credible witness, and the united effect of their testimony is to overcome the effect of the respondent's unsupported word, I may be obliged to attach such a degree of importance to the combined testimony of these witnesses as to hold the charges to which they severally speak as sufficiently proved in law against the opposing testimony of the respondent."

The learned Judge then proceeded to investigate the remaining charges, holding one of them not proved, and the other, viz., the Matthias Hall speech, is one about which there is no conflict of evidence.

We may assume, therefore, that but for the learned judge's view of that speech he would have disregarded the united force of the adverse testimony; and had he taken the same view of that speech which we are inclined to do, he would not have varied his first decision upon the other charges.

It would seem that both the respondent and his opponent claimed to be supporters of the ministry of the day; but that the respondent claimed to be the recognised ministerial candidate, having been nominated by the Reform party. He claimed further, that his opponent, having originally pledged himself to support him and then come out in opposition, could not expect to retain the confidence of the Government, and that according to his ideas of constitutional practice, the patronage in the constituency would be in his hands, as the ministerial candidate, whether elected or not.

It seems to be admitted on all sides that it was felt to be a grievance of some standing, that strangers were sent up to superintend the work on the roads, and the respondent is said to have stated that whether elected or not he would endeavour to get it remedied. Taken in the most unfavourable view for the respondent, what he did say, according to Mr. Teviotdale's evidence, was, "He would have the patronage, as he was the choice of the Government, he would have it whether elected or not elected;" adding by way of explanation, as I understand it, "It was the laying out of money on the roads and appointment of overseers."

There is a slight difference between the respondent's version of this speech and that of some of the witnesses; but, taking them in the strongest way against him, I have been unable to convince myself that they constitute a corrupt practice or that they differ substantially from what is constantly done by candidates, in impressing upon electors the importance to themselves of being represented by a ministerial candidate.

The learned Judge holds that such language cannot amount to an offer or promise of any place or employment, or a promise to procure, or to endeavour to procure, any place or employment to or for any voter or other person, within the 1st sec. of 36 Vict., cap. 2, and therein we agree with him; but he holds that it amounts to undue influence within the 72nd section of 32 Vict., cap. 21, or according to the common law.

To prove an offence within that section, it must be shown, either that physical force was used or threatened, or that loss or damage was caused or threatened upon or against some person in order to induce or compel such person to vote or refrain from voting. This was not a threat, nor does it come within the definition of physical force or violence, or doing any loss or harm to any one. Can it then be brought within the remaining words, "in any manner practise intimidation?" To bring the case within this branch of the section, it would, I presume, be necessary to show that some one had been intimidated, but it appears to me to be quite impossible to hold that it comes within this section at all. There was no attempt to work upon the fears of any one; it was rather upon their hopes or expectations; and would come more properly, if an offence at all, within the bribery clauses, but the learned Judge has himself given the answer to that.

Baron Bramwell, in reference to the evidence necessary to bring a case within this clause, is reported to have said: "When the language of the act is examined it will be found that intimidation, to be within the statute, must be intimidation practised upon an individual. I do not mean to say upon one person only, so that it would not do if practised upon two or a dozen, but there must be an identification of