

to the fact of agency itself, it must be gathered from the circumstances and conduct of the parties. As to the law on the subject, everyone is agreed at the present day that the agency in such a case is not the common law agency at all. In the Taunton case, Mr. Justice Grove said, after pointing out the difficulty of an exact definition of what it was, and the failure of two or three attempts already made in the Norwich case, in the Westbury case, and in the Tamworth case, to define the relation: "All agree that the relation is not the common law one of principal and agent, but that the candidate may be responsible for the acts of one acting 'on his behalf, though the acts be beyond the scope of the authority given, or, indeed, in violation of express injunction." And in the Boston case the same judge said: "The law has decided that a candidate at an election is responsible for the acts of agents who are not, and would not necessarily be agents under the common law of agency. At common law, a person is only responsible for such acts of his agents as are within the scope of the authority which he has given to those agents. For instance, if I authorise a man to buy a horse for me, I am responsible for his conduct about the purchase of that horse; but if that man whom I tell to buy a horse for me, goes and sells a farm of mine, I am not responsible for the act. That is putting it in a very simple form; but with regard to election law, the matter goes a great deal farther, because a number of persons are employed for the purpose of promoting an election, who are not only not authorized to do corrupt acts, but who are expressly enjoined to abstain from doing them, nevertheless the law says that if a man chooses to allow a number of people to go about canvassing for him, generally to support his candidature, to issue placards, to form a committee for his election, and to do things of that sort, he must, to use a colloquial expression, take the bad with the good. He cannot avail himself of these people's acts for the purpose of promoting his election, and then turn his back, or sit quietly by, and let them corrupt the constituency. Therefore the law carries the responsibility of a member of parliament for the acts of the agents who are instrumental, with his assent, in promoting his

"election, a good deal further than the mere common law of agency."

But it is not necessary to go into authorities on this subject. Everyone who takes part in an election in good faith, to favor and promote the election of a candidate, becomes *ipso facto* the agent of such candidate. This was the ruling of Judge Taschereau in our Supreme Court in the election case of *Brassard v. Langevin*,* and its soundness is beyond question. We attach great importance to the words "*in good faith*" in the definition by the learned judge, because without it a candidate would be liable to be unseated by the acts of an enemy who might pretend to be his agent; but with this single limitation that we must have evidence to clearly repel any idea of adverse interest in the person acting, we accept the definition without the slightest hesitation, and apply it to the present case. We have next to look, then, at the evidence of agency in these several persons or in any of them. We consider that the evidence on this subject is perfectly decisive. We will refer first to the charge against the Rev. Curé Champeau in relation to this question of agency, because it was the first presented to us in the course of the argument. The reverend gentleman tells his own story, and of course it cannot be doubted. He takes the position of a perfectly honest man, who is unconscious of having done any wrong whatever. He openly proclaims his principles, and his right to support them. All this is well enough, and nobody questions his right, or the right of any or all of the members of his order to profess and practice, within the limits of the law, the principles they have honestly adopted and honestly stick to; but we are only on the question of agency as yet; and I was merely observing, as regards this question of agency, that the Rev. Mr. Champeau, with his undoubted honesty, and the courage of his opinions, tells us something on this question of agency that appears of a very decisive description. The respondent brought him a letter from the Rev. Mr. Loranger. The letter is not to be had; but the contents are not uncertain. It announced the candidature of Mr. Robillard—a subject that had evidently been before that discussed between the Rev. Mr. Champeau and the Rev. Mr. Loranger. Mr. Champeau read the letter; the

* 2 Can. Sup. Ct. Rep. 319.