

paign were destroyed or otherwise put out of the purview of the Court, and this strengthened the suspicion against him. The presiding Judge had no hesitation in avoiding the election, but as to the personal charge he gave Mr. Walker the benefit of the doubt, due to the fact that his oath was directly against evidence entirely circumstantial. However, the Court of Common Pleas, on appeal, unanimously held that he must have had some knowledge of what was done in his behalf, and pronounced the penalty of disqualification accordingly.

"What strikes one most forcibly in reading Chief Justice Hagarty's judgment is his naive expression of horror because the evidence disclosed 'an enormous amount of bribery and corruption.' The whole of the expenditure, including \$2,000 of which the legitimacy was not questioned, amounted to only \$9,000, and the net sum which brought about a state of 'wholesale corruption' was just about the sum which Mr. Dunlop's agent admits on oath to have gone for 'legitimate expenses.' It grieved the learned and amiable Chief Justice that 'a member of the legal profession should knowingly place in the hands of unscrupulous men a sum like \$6,000 to be used in debauching and corrupting a constituency.' He describes the inquiry as 'startling,' and speaks of the 'vast amount of mischief and wickedness resulting from extensive bribery.' If there are any 'unscrupulous' election workers in Mr. Dunlop's party organization, it was certainly unwise, not to say dangerous, to place in their hands any considerable part of so suspiciously large a sum as \$7,000. Judging from analogy, the inquiry in North Renfrew may be even more 'startling' than the one that made London famous for a generation."

The motion was heard by MOSS, C.J.O., OSLER, MACLENNAN, GARROW, MACLAREN, J.J.A.

I. F. Hellmuth, K.C., for Mr. Dunlop, the applicant.

A. B. Aylesworth, K.C., for Mr. Macdonald.

GARROW, J.A., referred to and quoted from the decisions in: *In re Clements*, 46 L. J. N. S. Ch. 383; *Hunt v. Clark*, 58 L. J. N. S. Q. B. 490; *The Queen v. Payne*, [1896] 1 Q. B. 577; *In re Lincoln Election*, 2 A. R. 368: and continued:—

It will thus be seen that there is high authority for the proposition that such an application as this should only be granted where it clearly appears that the course of justice has been or is likely to be restricted or impaired to the prejudice of the applicant unless summary punishment is inflicted upon the offender. If the article is merely libellous,