

whiskey and beer were both sold and given in that hotel within the limits of Carlisle. Davidson's evidence proves the house not altogether open, for there was no access proved to exist directly from the street into the bar room; but entrance from the street into the dining room was proved, and spirituous liquors and beer were passed from the bar into the dining room. Then it was proved by Sullivan that, being outside the hotel, he saw respondent drive up; that respondent, addressing Sullivan or the people assembled, said something to this effect—"Boys, this is the first time I came to Carlisle when I dare not treat, and some one will have to treat me;" and Sullivan said he would treat, and, with respondent, went into the house, followed by a number of persons, variously estimated at from 30 to 50. Several of them drank, the respondent taking a glass of beer.

Surely no one can doubt that these facts constituted a breach of sec. 66, and under the subsequent act of the Legislature such breach was a corrupt practice. The respondent's attention had evidently been attracted previously to the law, which occasioned him to say he *dared not treat*, and this makes it the more remarkable that he should have so entirely overlooked or forgotten the prohibitory enactment as to having certain houses closed, and as to the sale and gift of liquors, &c. In reality, he acted like one who did not know that the law required that the house should be kept closed, and that liquors should not be sold by the tavern keeper or given away by Sullivan or any other purchaser while the polling was in progress. I am compelled to attribute knowledge of the law to him, nor can I avoid the conclusion that he was a participant in its breach. He went into that house in order to accept a treat which his own remark shews he did not imagine would be limited to himself, and which was not so limited.

The whole evidence may be thus summarised. About a dozen of the electors of North Wentworth met together some time before the election for North Wentworth to consult as to their course, they all being of similar political views. By them and others the respondent was nominated, and ultimately accepted the nomination. James Sullivan was one of their body. There was but slight evidence given of their proceedings until the polling day. It appeared that they were not personally summoned to meet—did not keep minutes of their proceedings, appointed no chairman—but as they met one another they agreed to meet and adjourn their meetings from time to time; and it was argued,

on these and similar grounds, that they did not constitute a committee—but there is no magic in that word. These parties united together for the common purpose of procuring respondent's election: they had some organization; they canvassed electors, procured voters' lists, got reports on which they estimated their chances of success. They are the parties, so far as appears, whose nomination the respondent accepted and acted upon; and if they did not style themselves a committee or committees, they seemed to have assumed the functions which usually devolve upon such bodies. Mr. Sullivan appears to have been an energetic member, under whatever name, in supporting the respondent. It is he who, in the respondent's presence, gives spirituous liquors and beer to some of the electors who were assembled on the polling day as respondent's friends, the respondent being present, with his silent consent and undeniable knowledge.

This was a corrupt practice by the express language of one of the statutes. It was committed, as I conclude, to help the respondent's election by one of his known supporters, and it was concurred in by the respondent, and, as I am willing to think, in forgetfulness, at the moment, of the law.

I do not found my conclusion on the question whether the respondent actually did drink any of the liquor or beer given by Sullivan, who bought from Davidson. But he was one of those who more or less actively concurred in a corrupt practice. He joined in going into the house which the law directed should be kept closed; he joined in accepting beer as a treat, or in other words as a gift—in a literal as well as substantial violation of the law, with knowledge of the fact and assenting thereto. It is not as if the question turned on a violation of sec. 66, when he was prosecuted for the pecuniary penalty, and might say he was not within the law, neither having sold nor given. Until those acts were declared a corrupt practice the election was not avoided, but since that declaration the effect of the 66th section is extended. The concurrence in the commission of the prohibited act makes the candidate responsible for the newly imposed consequence.

I must report to the Speaker accordingly.