lished rule in the exposition of statutes that the intention of the lawgiver is to be deduced from a view of the whole and every part of a statute, taken and compared together. "The real intention, when accurately ascertained, will always prevail over the literal sense of the terms." Again he says: "For the sure and true interpretation of all statutes, whether penal or beneficial, four things are to be considered; 1. What was the common law before the Act. 2. What was the mischief against which the common law did not provide. 3. What remedy it provided to cover the defect; and 4. The true reason of the remedy." Applying these rules in their spirit, we must consider what legislative powers existed in the several Provinces of the Dominion prior to the passing of the British North America Act, and was it the intention to abridge these powers, or simply to make a new distribution of them? I think, plainly the latter. The words "by fine, penalty, or imprisonment," were not so well chosen as more definite language, to express the intention of the legislators, but I cannot think it was intended to give power to the Provincial Legislature to exercise only one of these modes of punishment at a time in any particular Act. It must have been intended to apply each according to the circumstances and gravity of the offence, and to use both or all when required. If the expression "fine, penalty, or imprisonment," is to be understood distributively as between penalty and imprisonment, it must be so understood as between fine and penalty, which would create a distinction too subtle for practical application. In fact the words fine and penalty are so alike that the one runs into the other. Dwarris says: (Dwarris on Stat., p. 704) "In construing Acts of Parliament, judges are to look at the language of the whole Act, and if they find in any particular clause an expression not so large and extensive in its import as those used in other parts of the Act, and they can collect, from more large and extensive expressions used in other parts, the real intention of the Legislature, it is their duty to give effect to the larger expressions." For these reasons I am of opinion that the Provincial Legislature has not exceeded its powers in enforcing the License Act, or any other law relating to the class of subjects within its jurisdiction, by all the modes mentioned, used separately or together, according to circumstances.

The conviction here is for two offences, incurring two penalties, and it is urged that the time and place should be definitely stated under sec. 158. This objection has much force. In such case the conviction should be full for each offence, specifying the offence, time, place and penalty. This is in accordance with English practice where similar law was in force (1 Oke's Mag. Syn., 175.

The sixth objection is that the evidence was taken illegally upon both charges indiscriminately. This was a matter within the discretion of the Justices, and is not a ground for *certiorari*.

The conviction will be quashed, but without costs, as the revenue officer acts on behalf of the Government.

ENGLISH REPORTS

ELECTION CASES.

TAUNTON ELECTION PETITION.

Agency.

To render a candidate responsible for the unlawful acts of persons who have supported his canvass, he must be proved by himself, or his authorized agents, to have employed such persons to act on his behalf, or to some extent put himself in their hands, or to have made common cause with them for the purpose of promoting his election.

[Ir. Law Times, 1874, p. 74.—Jan. 26.]

GROVE, J.—in delivering judgment, stated that the respondent was charged with bribery and treating by himself and his agents, and that there was also an imputation of general bribery and treating. He intimated that there were no proper grounds for making any personal imputation against the respondent, and that with regard to general bribery and treating and corruption so as to taint the whole constituency, and thus render the election void, he saw no reason for coming to the conclusion that extensive bribery or corruption prevailed at the election. He then proceeded to say:—I come now to the point upon which the great contest in this case arose. Did the respondent, not by himself or by any conscious authority, but by the hands of an agent or agents for whom he is responsible, so bribe or treat that this election must be declared void? The law of agency, as applied to election petitions, has been sufficiently expressed by different learned judges, some of whom have likened it to the relation of master and servant, and another to the employer of persons to run a race for him; but no exact definition, meeting all cases, has, as far as I am aware, been given. Two learned judges—the late Mr. Justice Willes, and Mr. Justice Blackburn—have pointed out the difficulties of arriving at one. All agree that the relation is not the Common Law one of principal and agent,