have impressed upon his mind. The learned judge here reviewed the evidence on the third charge, deciding in favour of the respondent.]

As to the second charge, of corrupt practices committed by George Wright in treating at meetings of committees. That a candidate may so avail himself of the services of members of a political association, in canvassing for him and promoting his election, as to make them his agents, for whose acts he shall be responsible, there cannot I think be any doubt; but nothing could be more repugnant to common sense and justice than to hold that because a political association puts forward or supports a particular candidate, therefore every member of that association becomes *ipso facto* his agent. The meetings which took place at Wright's tavern were of members of an association called The Liberal Conservative Association. None of the members so meeting were members of the respondent's committee. A convention, as it is called, of that association had put forward the respondent as the person recommended to the support of the members of the Association. What was done at these meetings, or for what particular purpose they were assembled, did not very clearly appear; it may be admitted that the members of the association who assembled at Wright's were electors assembled to promote the election of the respondent within the 61st sec. of the Act of 1868 as amended by the Act of 1873, so as to make Wright himself guilty of corrupt practice in supplying drink to them at or immediately after their meetings; but they were not, that I can say, in any sense the agents of the respondent, or in any way authorised by him, nor does it appear from anything in the evidence that he had any knowledge of their meeting. The evidence shows that when the respondent had a meeting himself at Wright's, there was no treating within the meaning of the 61st section, and I can therefore arrive at no other conclusion upon this head than that it is not proven, in so far as the respondent is concerned, or so as to affect him; although, as affects Wright himself, he has sufficiently admitted the charge to subject him to being reported as having been guilty of a violation of the section referred to.

As to the corrupt practice charged as having been committed by Dr. McGregor at Desborough, Chatsworth and Williamsford (although whether or not there was treating by him at Chatsworth does not appear to be clearly established), there is I think sufficient established to subject *him* to all the consequences annexed to the violation of the 61st section of the Act; but whether or not the respondent is to be affected by his conduct depends upon whether Dr. McGregor was or was not an agent of the respondent, for whose conduct the latter is to be held responsible.

It has been in different cases said that no one can lay down any precise rule as to what will constitute evidence of being an agent. Each case must depend upon its own circumstances. Definitions may be attempted, but none can be framed applicable to all cases. "It rests with the judge," as is said in the *Wakefield case*, 2 O'M. & H. 103, "not misapplying or straining the law, but applying the principles of law to changed state of facts, to form his opinion as to whether there has or has not been what constitutes agency in these election matters." We have, however, the opinions and sayings of some very learned judges to guide us in arriving at a just decision, and first I may place the observations approved by Keogh, J., in the *Sligo case*, 1 O'M. & H. 301, as a rule of general application, namely, that the evidence ought to be strong, very strong, clear and conclusive of agency before a judge allows himself to attach the penalties of the Corrupt Practice Act to any individual.

The language of Baron Channell in the *Shrewsbury case*, 2 O'M. & H. 36, and of Justice Mellor in the *Bolton case*, 2 O'M. & H. 140, is also instructive. The former says, "Canvassing will only afford premises from which a judge discharging the functions of a jury may conclude that agency is established;" and again he says, "I wish it to be understood how far, in my opinion, from mere canvassing those acts must be from which you may infer that kind of agency which is to fix the candidate with responsibility for the act of a person acting in his behalf." And Mr. Justice Mellor says, "the fact of a man having a canvass book is only a step in the evidence that he is a canvasser *authorised by the candidate's agent;* if you want to go further call the canvasser, because the mere fact of a man having a canvass book and canvassing, cannot affect the principal *unless I show by whom the man was employed.* There is nothing more difficult or more delicate than the question of agency; but if there be evidence which might satisfy a judge, and if he be conscientiously satisfied that the man *was employed to canvass*, then it must be held that his acts bind the principal. I should not, as at present advised, hold that the acts of a man who was known to be a volunteer canvasser, *without any authority* from the candidate or any of his agents, bound the principal."