redundant, but the word *such* confines the construction to the municipalities mentioned in the former part of the section, which may, I think, be properly treated as part of the description of the hotels, &c., which are to be kept closed, namely : of hotels, &c., situate in "the municipalities in which the polls are held."

Adopting this conclusion, I am of opinion that Clarke was an agent of the respondent, and did, in violation of section 66, give spirituous liquors to one Jordan in a tavern in Oshawa, which was a municipality in which a poll was held on that day, appointed for the polling, and within the polling hours, and that the election was therefore void and should be set aside with ease.

My brothers consider section 66 of the Act of 1868 does not affect any person except the keeper of the hotel, tavern or shop, who is subjected to a penalty in three cases :

1. Not keeping the hotel, &c., closed.

2. Selling liquor (in his tavern, &c.,) during the polling day.

3. Giving liquor in his tavern, &c., during the polling day.

The whole three are made corrupt practices if committed during the hours appointed for polling. I hope the Legislature will remove the doubts by a clear statement.

Burton, J.—[After referring to the charge spoken of in the first ground of appeal.]

The three remaining charges, assuming that in all or some of them the agency is established, are charges of giving liquor in a tavern by an agent within the hours appointed for polling, and involve the necessity of our placing a construction upon the language of the much-debated 66th section of the Election Act of 1868.

We had occasion to consider this section before in the *North Wentworth* and *North Grey cases*, and then held that there having been a clear violation of the section by the hotel-keeper, which was made a corrupt practice by the Act of 1873, and that corrupt practice having been committed with the knowledge and consent of the candidate in each case, there was no alternative but to declare the election void and the candidates disqualified. But it is contended on the part of the petitioner that the latter part of this section is general in its terms, and is not to be restricted to the parties aimed at or intended to be referred to in the first part, viz., the keeper of any hotel, tavern or shop in which spirituous or fermented liquors or drinks are ordinarily sold—but extends to any person within the municipality, and that the penalty imposed is confined to the offence of selling or giving referred to in that portion of the section.

The clause in question, with several others, having for their object the preservation of peace and good order at elections, is to be found in the 22nd Vict., cap. 82. That to which this section corresponds was consolidated in the Consolidated Statutes of Canada, cap. 6, as section 81, and ran thus : "Every hotel, tavern or shop in which spirituous or fermented liquors or drinks are sold shall be closed during the two days appointed for polling in the wards or municipalities in which the polls are held, in the same manner as it should be during divine service ; and no spirituous or fermented liquors or drinks shall be sold or given during the said period, under a penalty of $100 against the keeper thereof if he neglects to close it, and under a like penalty if he sells or gives any spirituous liquors or drinks, as aforesaid."

So far there would have been no room for doubt, but in re-enacting this section in the Election Act of 1868, the words relating to the period of divine service are omitted ; the words "to any person within the municipality" are added after "gift," and instead of affixing a distinct penalty upon the keeper for neglecting to close, and another penalty upon him for selling or giving, the clause concludes, "under a penalty of $100 in every such case." If these words have the effect of extending the penalty to each case of omitting to close a tavern, hotel or shop, as well as to each case of selling or giving, there would be no good reason that a wider signification should be given to them when read in connection with the later part of the section than the former. The *party liable* to the penalty for *omitting to close* must be the keeper. Why should they be construed as extending to *every person* when read in connection with the remainder of the section ? My own view is that the new enactment is in substance the same as the former one. It is impossible to believe that if the Legislature had intended to effect so sweeping a change, they would have left it to be inferred, or as a question for argument, instead of making it clear by the insertion of a few words. It would be such a mistake that, in the language of Mr. Baron Bramwell, it would be an imputation upon that body to suppose it.

It is true, that for omitting to close the hotels there could be only the one penalty—the offence being complete whether kept open for one hour or for the whole day—whilst each separate sale or gift would, I presume, constitute a separate offence : *Brooks qui tam* v. *Milliken*, 3 T.R. 509.

I can see no good reason for holding that the