

I incline to agree with this interpretation of the section, and in the *Dundas Case* I acted upon a like construction then put upon it by myself; with this difference, that in that case the treating was by an agent of the candidate, not by a stranger; but I thought in the *Smith Essex Case*, 11 C. L. J. 247, that a corrupt practice participated in by an agent, the agent being by his participation a party thereto, would avoid the election. This was under the second provision of section 66 of 32 Vict. cap. 21, (and this construction has now, I understand, been affirmed by the Court of Appeal); but my difficulty in this case is upon the question whether the treatings in question were to "meetings of the electors" within the meaning of the section. I take the meeting on nomination day and at Elson's as examples. I take the meeting held on that occasion (the nomination) to have been a meeting within the section.

The meeting at Elson's, while of a different character, was still in my opinion a meeting of electors assembled for the purpose of promoting the election; and if the treating had been in any proper reasonable sense a treating to electors so assembled, I should hold it to be a corrupt act. But there are these material circumstances to be taken into account. North Middlesex is a rural constituency; the electors attending these meetings were for the most part from a distance; their horses and conveyances would be put up in the stables and driving sheds of the taverns of the place. The meetings were in January, and the weather is described to have been very cold. Then there is the custom of the country, not to be commended but still to be taken into account, to take drink in the bar-rooms of taverns, and to do so in the shape of treating some or all of those assembled with them in the room—"the crowd," as it is often called.

Now what was done upon the occasions in question was this in substance. After the business for which the electors had assembled was over, they left the building in which the meeting had been held and went, some to one tavern some to another—generally, as I infer, to those at which their vehicles were put up, and before leaving for home took drink in the bar rooms, in the usual mode, that of treating one another. I cannot think that doing this is, in any proper or reasonable sense, giving drink or other entertainment to a meeting of electors assembled for the purpose of promoting an election. It is indeed at least doubtful whether there was treating on any of these occasions by any agent of the respondent, and it does appear that there was not any treating by the respondent himself,

but the respondent himself partook of the drink on one at least of these occasions in a bar of a tavern.

I am not in the least disposed to sanction any evasion of the law, or to insist upon too rigid a construction of the provisions of the section. It would indeed be a rare case—if a possible one—that treating should be given literally to a meeting of electors. It was not so in the *Dundas Case*, in which I applied the act: but what was done in this case is not in my judgment within the spirit and meaning of the act. To apply it to what was done in this case, would be in my opinion straining the provisions of this section beyond their legitimate meaning and intent.

Upon another branch of the case I have entertained considerable doubt. I mean in regard to treating by the respondent at various taverns in the course of his canvass, which occupied about three weeks before the polling day. The respondent is a farmer, and has for the last sixteen years followed the business of a drover. He says that it is the practice of drovers to go to taverns as the best places for meeting with farmers and hearing of cattle; that such has been his own practice; and that he has always been in the habit of treating at taverns in the course of his business; and this is confirmed by the evidence of other witnesses. He states that when he became a candidate, he canvassed personally through the Riding, and went to the taverns as good places to meet with the electors; that on these occasions he sometimes treated; sometimes friends who were with him treated; and the treating was sometimes by others who were not friends; and the treating was general to all who might happen to be present. As to its extent, he says it was much less than was his habit in the course of his business—not more, he says, than one-fifth as much. He denies emphatically that he treated with any view of influencing voters; that he made no distinction as to whom he treated; that he had not taken legal advice; that he meant to obey the law; and thought that in what he did he committed no infraction of the law. As to which last, I will merely observe, that if what he did was really an infraction of the law, his being advised, and his entertaining the belief that it was not so, would be no excuse in the eye of the law.

The treating upon these occasions stands upon a different footing from meat, drink, &c., furnished to a meeting of electors, to which I have already adverted.

The law upon this branch of the case differs from the law prescribed in England in this,