

agents; and for this reason the petitioner's counsel gave them up.

There remained one case, however, in which there was no such defect. Mr. Macdonell was examined, and unequivocally admitted himself to be an agent of the respondent for the purposes of his election. He gave in evidence that he was at No. 1 division, St. Patrick's Ward, during the polling. There was a man at the polling booth on Simcoe Street, upon the street, who had a bottle of liquor, and who seemed to be a little intoxicated. Mr. Macdonell did not know his name, and has not seen him since, nor has he any idea who he was. The day was cold, the man was very pressing, and Mr. Macdonell took some whiskey from him. It was during the hours of polling. It was contended that this avoided the election; that there was a clear violation of the statute; that liquor could not be given or sold unless there was a purchaser or a receiver; and as by the act of receiving the giver was enabled to commit the offence, the receiver became a *particeps criminis*. Reference was made to the definition of corrupt practices, in the 34 Vic., cap. 3, sec. 3, and to the repeal of that definition by 36 Vic., cap. 2, sec. 1, and the substitution of another definition in lieu thereof, which latter definition makes any violation of the 66th section during the hours of polling a corrupt practice. This change in the law does not, however, affect the question I am called upon to decide. It leaves the point untouched whether the words "No spirituous liquors or fermented liquors or drinks shall be sold or given" make the purchaser or recipient in effect a seller or giver, and as such subject to a penalty of \$100 in every such case, for "sell" or "give" are the only words in the Act which can be made applicable. It might have been argued on the part of the respondent with as much show of reason, that the earlier part of the section shows that the Legislature had in view a stringent preventative to the dangers of having taverns and other places where liquors are usually sold kept open during