

possibility of doubting that he was agent of the respondent. He himself admitted that he received and drank some liquor during the polling hours; and Mr. Bethune contended that the original Ontario Act, 32 Vic., cap. 21, sec. 61, which made treating with intent to promote the election of a candidate illegal, having been altered by omitting the words "with intent to promote the election of a candidate," it showed that the offence no longer consisted in the intent but in the act. He then argued that the person who drank liquor given him was as much an offender against the 66th sec. of 32 Vic., cap. 21, as he who gave it; and, therefore, as Mr. Macdonell had accepted and drank within the limits of the municipality some spirituous or fermented liquor during the time when the poll was open, and was an agent of the respondent, that act was sufficient to avoid the election. The point on which the petitioner's case was finally rested was not raised or brought under my notice until the last witness called to support the petition had been examined. Not one instance of bribery had been—I will not say established; but there was no evidence given upon which there was even a *prima facie* case of bribery. The evidence also did not connect the sitting member personally with any act which could sustain the charge of corrupt practices, so far as bribery is concerned. But several witnesses were examined to prove either treating or a breach of the 66th section of the 32 Vic., cap. 21, which requires that every hotel, tavern or shop in which spirituous or fermented liquors or drinks are ordinarily sold, shall be closed during the day appointed for polling in the wards of municipalities in which the polls are held, and prohibits selling or giving to any person within the limits of such municipality, during the said period, any spirituous or fermented liquors, under a penalty of \$100 in every such case. There was evidence which was in my judgment sufficient to prove at least two cases in which this clause of the Act was violated. But in no such case was there any evidence connecting the offenders with the successful candidate or any of his