

election." It is evident that the draftsman had well in his mind the provisions of sec. 381 of the Consolidated Municipal Act, 1903, "Any by-law the passage of which has been procured through or by means of any violation of the provisions of sections 245 and 246 of this Act, shall be liable to be quashed. . . ."

. . . . The Court must be satisfied that the violation of the sections referred to was the means of the passing of the by-law.

The particular offence charged is that of treating, which is not specifically mentioned in sec. 245 or 246. Meredith, C.J., has, however, manifestly regarded treating as a form of bribery or undue influence, and therefore within the mischief aimed at by the statute.

The person whose alleged lawless acts have caused the trouble is one W. E. Vanstone, and there is no pretence that he was an agent of those who were supporting or promoting the passage of the by-law in question, which is a local option by-law. Vanstone is neither in principle nor in practice what is known as a "temperance man" (i.e., total abstainer as distinguished from a temperate man). On the contrary, in the pursuit of his ordinary business, which is that of a drover, he spends money "a little all the time" in drinks and treating. His custom is, "we" (he and "the boys") "generally have a drink when we can get any place handy." He admits that the temperance party probably looked at him askance as being a "whisky man." He does not claim to have supported the by-law on account of any principle involved, nor from any desire to suppress the traffic in liquor, but in order to "get even" with a local publican who had ordered him out of his hotel, and Vanstone accordingly tried to "put him out of business."

Thus is presented a very complete paradox. A temperance by-law is in question. This supporter is not a temperance man. And it is charged that he procured the passage of the by-law by corrupt methods, which are not supposed to be those of temperance people.

The whole case is in Vanstone's evidence. He is manifestly quite willing to pose as one who "went out to win" the election, and won. But he does not prove any condition of general drunkenness throughout the township so as