

are. Mr. Tilley's argument was that between the day of nomination and the day of polling each elector should be able to ascertain by inquiry at the office of the Clerk of the Peace, or of the clerk of the municipality, or from the County Court Judge, each of whom is supposed to have a certified copy of the voters' list in his possession, whether or not his name is upon the list of voters to be used at the election. I incline to think that this contention is sound, and that it is quite probable that the proper list to be used at the election is the last list of voters which has been certified by the Judge and delivered or transmitted to the Clerk of the Peace prior to the time of nomination. Section 23 of the statute appears to put it almost beyond doubt that the list to be used must be completed before nomination day, because, even in the case of a person dying after revision, the Judge is permitted to strike his name from the certified list only "before the day of nomination." It would appear from this provision that it was intended that the list to be used at the election should be complete and not subject to alteration after the time of nomination.

The statute in terms enacts that the list to be used shall be "the last list of voters certified by the Judge and delivered or transmitted to the Clerk of the Peace." This language is plain and unequivocal. The conjunction "and" may be contrasted with the conjunction "or" to be found in the third line of sec. 151. I think it is incontrovertible that, even though a list has been validly certified by the Judge, if it has not been delivered or transmitted to the Clerk of the Peace, at all events before the opening of the poll on polling day, it cannot be "the proper list of voters to be used at the election." Section 151, in my opinion, has no bearing upon the matter, because there was a list of voters certified by the Judge and transmitted to the Clerk of the Peace for the preceding year, and this list was, in my opinion, the last list of voters so certified and delivered, and, therefore, the proper list of voters to be used at the election.

It is true that the use of this list would have disfranchised a considerable number of persons whose names appear on the list for 1909, without any fault on their part. But that cannot be helped. The Voters' Lists Act apparently does not make it imperative upon the Judge to have the list of voters for the year prepared in time to permit of the municipal election in January being held upon it. The assessment roll