

Autorités et précédents cités à l'appui de la question de loi que présente le premier point: "Le défaut de polls rend-il l'élection nulle?"

A.—Patrick's.—U. C. contested Elections. Lanark Case, p. 83 & 84. "FINAL DECISION.
" *Resolved*—That in consequence of a Poll not being held in the Townships of Westmeath and Ross, and
" the united Townships of Pembroke and Stafford, for the County of Lanark, at the last Election for the
" said County, the said Election is void."

B.—Barron and Arnold.—Election Cases. The Athlone Case, p. 116 to 136, and the cases therein cited, and Mr. Austin's argument, and the resolutions of the committee:

Page 118, division of case, when informality for want of notice;

P. 124—precedents cited.—130, 131, 132, 134, Austin's argument as to consent and as to effect of nullity. Resolutions, 134 & 135.

C.—Luder's Election Cases.—The Senford Case, pp. 3 to 27. Held that an election was null, for want of sufficient notice, though the Petitioner had consented, and the sitting member had refused his consent.

D.—Baron and Austin.—Election Cases. The Belfast Case, pp. 563 to 563. Held that the want of a booth voided the election, and as to illegality of appointment of deputy.—1842, see pp. 558–563.

E.—Wordworth.—Law of Election, p. 9, 10, 11, as to polling places in England.—Historical Account, *Idem*, 91.—He says:

" It may be observed that it has (1) recently been enacted, with respect to county elections, that no person shall be admitted to vote out of the district where his property lies, and with respect to city and borough elections, that no person shall be admitted to vote except at the booth appointed for his parish or district (2). But in counties, by a subsequent enactment (3), persons may now vote, *if the registers* of voters contain a direction to that effect, at the polling place most convenient to themselves."

Warren's Manual of Law of Election, p. 207, 8, 9, 10.—As to duty of returning officer, not discretionary, as to fixing of booths, when fixed by statutory enactment.—(†) 209, note.

Cases of contested Elections in Congress to 1834. *Clarke*, p. 269, as to consent; p. 276, as to township omitted.

Wordworth.—p. 12. " The consent of candidates will not cure an insufficient notice in this respect, but such defect of notice will avoid the election."

Power, Rodwell & Dew.—Election Cases.—1852, p. 112. Insufficient notice voids the election. Town and Port of Rie Case.

Clerk. L. & P. of Election, p. 81. Premature closing of poll voids election.—Poll closed 3 minutes before time, in consequence of violence.

SUNDRIES.

As to competency of a witness who has subscribed or who is a bail. *Perry and Knapp*, p. 334. *Power, Rodwell & Dew*, p. 69.

As to parol evidence.—*Peck*, I, p. 145. A witness cannot be asked the meaning of what is a burgess. This applied to the meaning of what is a parish.

As to decision of preliminary points.—*Power, R. & D.*, p. 319.

Leading Cases.—Division of case ordered without consent.

Clerk.—L. & P. of Election, p. 54, 55, 56, and 45—Cases argued and determined on preliminary points.—*Rogers*—P. of L. of Election, p. 65, 66, 67.—*Wordworth*, p. 212, 213.

Telles sont quelques-unes des principales autorités et décisions tendant à établir que si un officier rapporteur a omis d'observer quelques dispositions formelles d'un statut, tel que le défaut de notice ou le défaut du poll, l'élection sera déclarée nulle.

2de Question.—Quand à la seconde question on présente le premier point, savoir si les localités où il n'y a pas eu de polls sont en point de fait de celles où il devait y en avoir, nous procédons à l'examen de la preuve.

1^o Dès 1849, une permission fut accordée par l'archevêque de bâtir une chapelle dans le territoire qui forme aujourd'hui St-Pacôme. (Voir cette permission en date du 4 août 1849, n^o 2, et le témoignage de Messire Bégin. 1er cahier, p. 14 et suivantes.)

(1) Subsequently to the case cited *contra*.

(2) 2 Wm. IV, cap. 45, sec. 64, 68, App. 165–7.

(3) 6 Vict. cap. 18, sec. 36, App. 228.