

tion against the return of the respondent could be filed. The petition was not delivered at the office of the registrar but at his residence and after office hours, 3 hours and 12 minutes after his office had been closed (on a Saturday); and upon receiving it and the prescribed deposit, the registrar indorsed on the petition the following memorandum: "Received at 4.12 p.m. on 5th December, 1908 (after office closed), at my house;" and the petition was treated and was marked by him as filed on 7th December, 1908.

The respondent objects that the petition was not presented within the time limited by sec. 12, and it is conceded by the petitioner that if it is to be treated as presented on 7th December it was presented too late, and that the objection is entitled to prevail unless the Court has power now to enlarge the time for presenting it, and the time is extended by the Court.

Dealing first with the preliminary objection, it is, in my opinion, quite clear that the petition was not presented in time, the last day for presenting it being, as I have said, the 5th December, 1908.

By sec. 5, the petition is to be presented to the Court, and sec. 13 deals with the manner of presenting it. Section 13 provides as follows. "13. Presentation of a petition shall be made by delivering it at the office of the clerk of the Court during office hours or in any other prescribed manner." "Prescribed manner" means prescribed by the Act or by Rules of Court made under it (sec. 2 (g)), and there is no other provision in the Act, and no Rule of Court dealing with the matter.

Reading secs. 5, 12, and 13 together, it is, I think, quite clear that a person desiring to question an election must present to the Court his petition within the time prescribed by sec. 12, and that he must do so by delivering it within the time at the office of the registrar during office hours.

I do not agree with the argument of the petitioner's counsel that the purpose of sec. 13 is to allow to the petitioner an alternative mode of presenting the petition, that is to say, to enable him to file it at any time during the last day by delivering it to the registrar, whether at his office or elsewhere, as it was argued he might do in the case of a pleading in an action, or, as allowed by sec. 13, by delivering it at his office during office hours, whether or not he or any one else is in attendance there.