

which means any restraint whatsoever placed on a person which interferes with the free exercise of the franchise.

A person found guilty of either of the above forfeits his seat and is disqualified for two years, and any person found guilty of bribery is liable to a penalty of \$20, and is disqualified from voting for two years; and this penalty may be recovered in the Division Court, and the person against whom judgment is given is disqualified until it is paid.

The issue is tried in a summary manner without formal pleadings, and if the election is invalid the judgment removes the person from office. If some other person is found duly elected the judgment orders that such person be admitted to the office, and if that person was not duly elected it orders a new election. The order for a new election is directed to the sheriff of the county in which the election was held. The order also provides for costs and may be enforced in the same way as an order for mandamus and by writ of execution. If the election has been declared invalid on account of improper conduct of the returning officer or deputy returning officer the judge may order him to pay the costs of the proceedings. As to penalties imposed on such officers see *Wilson v. Manes*, 28 O.R. 419. The duties of such officers are ministerial not judicial; and no proof of malice or negligence is required in an action for such penalties.

A deputy returning officer was absent from the polling booth on three occasions. There was no suggestion of bad faith, and it being proved that the absence and what was done during his absence did not affect the result of the election it was declared that the election was valid: *The Queen ex rel. Watterworth v. Buchanan*, 28 O.R. 352.

An appeal may be taken from the decision of the Master in Chambers or of the County Court Judge to a Judge of the High Court and the procedure is the same as on an appeal from the Master in Chambers. The decision of a Judge of the High Court whether on such appeal or in the first instance is not further appealable.

Precedents affording suggestions as to the various forms connected with these proceedings may be found in Bell and Dunn's Forms and Precedents of Practice at pages 45, 80, 172, 335, 524 and 590.

JAMES H. SPENCE.

Toronto.