

legal or only equitable; and if the debtor, having an absolute interest, converts it into an equitable one but still continues to hold and reside on the land, the exemption is not lost. Even if the debtor's object in making the conveyance was to obtain a protection which the law had already conferred on him, he does not thereby lose the right given him by the statute, as the placing of the property in the name of a trustee for him would not injure the present rights of the creditor as long as the trusteeship is admitted.

*Pitbaldo*, for plaintiff. *Taylor and Anderson*, for defendants.

## Province of British Columbia.

### SUPREME COURT.

Full Court.] IN RE PROVINCIAL ELECTIONS ACT. [July 24, 1903.  
*Elections Act—Application for registration—Affidavit—Official to take.*

Questions referred, under s. 98 of the Supreme Court Act, by the Lieutenant-Governor in Council to the Full Court for determination. Sec. 3 of the Elections Act Amendment Act of 1901 provided a form of affidavit or application for registration as a voter, the jurat of which being given thus: "Sworn (or affirmed) before me at \_\_\_\_\_ in the Province of British Columbia this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 19\_\_\_\_", and s. 4 provided that the affidavit might be sworn before (amongst others) any Justice of the Peace, Mayor, Notary Public, Postmaster, Government Agent, Constable or Commissioner for taking affidavits in the Supreme Court. The main questions argued were as to whether or not the affidavit could be sworn outside the Province and if it could, what officer could take it.

*Held*, 1. The affidavit might be sworn outside the Province, and the jurat altered to conform to the facts.

2. It might be sworn before a Commissioner for taking affidavits in and for the Courts of the Province, or before any of the officers named in s. 4 provided they derive their power from provincial authority, or ordinarily reside and perform their duties within the Province.

Per IRVING, J.: It might be sworn before a foreign Notary Public.

Per WALKER and DRAKE, J.J.: Acts affecting the franchise should be construed liberally so as not to disfranchise persons having the necessary qualifications of voters.

The Lieutenant Governor in Council has power (under s. 210 A. of the Act, and s. 11 of the Redistribution Act) to make regulations providing that affidavits sworn outside the Province may be received by Collectors of Voters and the applicant's name be placed on the register.

*Duff*, K.C., and *Helmcken*, K.C., and *Belyea*, K.C., for the various parties.