

*Held*, that this was, in effect, a certificate that the list offered in evidence was a true copy of a paper returned to the Clerk of the Crown by the returning officer as the very list used by the deputy returning officer at the polling district in question, and that such list remained of record in possession of said Clerk. It was then a sufficient certificate of the paper offered being a true copy of the list actually used at the election. Richelieu Election Case (21 Can. S. C. R. 168) followed.

Appeals dismissed with costs.

*Tupper, Q.C.*, for the appellants.

*Howell, Q.C.*, and *Chrysler, Q.C.*, for the respondents.

24 March, 1897.

North West Territories.]

#### WEST ASSINIBOIA ELECTION CASE.

DAVIN v. McDougall.

*Appeal—Preliminary objections—Delay in filing—Order in Chambers—R. S. C. c. 9, ss. 12 and 50.*

By the Controverted Elections Act, R.S.C., c. 9, s. 12, preliminary objections to an election petition must be filed within five days from the service of the petition, and by sec. 50 an appeal can be taken to the Supreme Court from a judgment, rule, order or decision on such objections the allowance of which has, or which if allowed would have, put an end to the petition.

Preliminary objections were filed with the Clerk of the Court at 2.30 p.m. on the fifth day after the petition was served. By Jud. Order No. 6 of 1893, sec. 17, subsec. 1, the office of the Clerk is to be closed at 1 p.m. during the summer vacation comprising July and August. Mr. Justice Richardson in Chambers, on return of a summons calling upon the member elect to show cause why the objections should not be struck out or otherwise disposed of, held that the five days expired at 1 p.m. on August 3rd, and that the objections were not properly filed.

*Held*, that this decision was not one on preliminary objections, nor could any disposition of the matter put an end to the petition. Consequently no appeal would lie to the Supreme Court.

Appeal quashed with costs.

*McIntyre, Q.C.*, for the appellant.

*Howell, Q.C.*, and *Chrysler, Q.C.*, for the respondent.