

Manitoba.]

[March 24.

WINNIPEG ELECTION CASE.
MACDONALD v. DAVIS.

MACDONALD ELECTION CASE.
BOYD v. SNIDER.

Election petition—Preliminary objections—Status of petitioner—List of voters

On the hearing of preliminary objections to an election petition to prove the status of the petitioner, a list of voters was offered with a certificate of the Clerk of the Crown in Chancery, which, after stating that said list was a true copy of that finally revised for the district, proceeded as follows :

"And is also a true copy of the list of voters which was used at said polling division at and in relation to an election of a member of the House of Commons of Canada for the said electoral district . . . which original list of voters was returned to me by the returning officer for said electoral district in the same plight and condition as it now appears, and said original list of voters is now on record in my office."

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.

North West Territories.]

[March 24.

WEST ASSINIBOIA ELECTION CASE.
DAVIN v. McDUGALL.

Election petition—Preliminary objections—Delay in filing—Order-in-Chambers—R.S.C., c. 9, ss. 12 and 50—Appeal to Supreme Court.

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 s. 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 Aug. 3, the fifth day after the petition was served. By Jud. Order No. 6 of 1893, s. 17, sub-sec. 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 Aug. 3rd, and that the objections were not properly filed.