

east side. The following day, about noon, a member of the clerk's family discovered the notices, and brought them to the clerk, who was then in the house, and who then for the first time learned of the appeals.

The questions submitted were:

1. Were such notices served in time on the clerk?
2. Should they be acted on?

No counsel appeared to support the service.

W. B. Northrup, K.C., was heard opposing it.

GARROW, J.A.—In my opinion, the service was legally insufficient, and both questions should, therefore, be answered in the negative.

The language of the statute, R. S. O. 1897 ch. 7, sec. 7, sub-sec. 1, is, "give to the clerk or leave for him at his residence or place of business" notice in writing, etc. This must mean, I think, when the notice is not personally given to the clerk, that it is to be left for him at his residence or place of business in such a place or under such circumstances as to raise a reasonable presumption that it reached his hands within the time. The case saves consideration of what we might have presumed if all that appeared had been simply the placing of the notices between the two doors, because it states distinctly that the clerk did not become aware of the notices until the next day, or a day too late. What actually happened is, I think, what might reasonably have been expected to happen under such circumstances, and I, therefore, think the service was wholly insufficient. See *Watson v. Pitt*, 5 C. B. 77, a decision under a statute containing somewhat similar language.

JANUARY 2ND, 1903.

ELECTION COURT.

RE SOUTH OXFORD PROVINCIAL ELECTION.

Parliamentary Elections—Controverted Elections—Appeal to Court of Appeal—Settlement of Appeal Case—Evidence Taken at Trial.

Application by the respondent to the trial Judges (STREET and BRITTON, JJ.) to settle the appeal book and define the parts of the evidence to be included therein.

S. H. Blake, K.C., and Eric N. Armour, for respondent.
G. H. Watson, K.C., for appellants, the petitioners.

STREET, J.—No machinery has been provided either by the Act or Rules for the settlement of a case upon an election