

BOYD, C.—The provisions of the Ontario Election Act as to corrupt practices are made to apply to the taking of the vote upon the question "Are you in favour of bringing into force the Liquor Act, 1902?" See sec. 91 of 2 Edw. VII. ch. 33 (O.)

The offence here charged and convicted of is, that defendant did, on 4th December, 1902, induce and procure another person (Rayner) to vote at a polling place in the city of Toronto for the taking of that vote before Pim, deputy returning officer thereat, defendant well knowing that Rayner had no right to vote at the said time and place upon the said question.

The justification for the conviction is under sec. 168 of the Election Act, R. S. O. ch. 9, by which every person who induces or procures another to vote at an election, knowing that the other has no right to vote thereat, shall be guilty of a corrupt practice.

Reading this *mutatis mutandis*, as directed by sec. 91 of the Act of 1902, it will be seen that a person who procures another to vote upon the said question, knowing he has no right to vote thereon, shall be guilty, etc.

As I understand the objection, the conviction is argued bad because it is said that Rayner had a right to vote upon the question, though not a right to vote at the particular polling place, and therefore (it is said) this wrongdoing is not hit by the statute.

Examine, however, who has a right to vote upon the question. By the Act of 1902, sec. 2, "the persons entitled to vote upon the said question" are all whose names appear in the voters' lists. . . . as entitled to vote at a general election. . . . and whose names are duly entered on the poll books to be used for the purpose of voting under the Act.

Under sec. 10 different polling places are to be fixed by the returning officer for each subdivision of the municipality, and by sec. 20 a poll book for each subdivision containing the names of all persons entitled to vote therein shall be furnished for every polling place.

Section 24 provides for the appointment of a deputy returning officer for each polling subdivision, who is to open and hold the poll and to record in the voters' list in the poll book the particulars relating to electors voting at the polling places as by the Act directed.

By sec. 36 it is enacted that no person shall be admitted to vote unless his name appears on the list in the poll book (i.e., at each subdivision).