

cery, made changes and erasures therein and removed therefrom the names of many persons entitled to vote and so prevented such electors from voting at the election, also that he had given copies of the voters' lists so improperly made out to his correspondent and refrained from furnishing such copies to the opposing candidate and concealed these matters entirely from the latter, and that all this was done in furtherance of a design previously arranged between the respondents of embarrassing and hindering those opposed to the election of the elected member; also that the returning officer had signed a large number of certificates in blank to enable voters to vote at polling places for which their names did not appear, and that the respondents had in these and other ways conspired to impede and interfere with the free exercise of the franchise of many voters.

*Held*, 1. That the acts complained of might constitute corrupt practices within the meaning of sub-s. (f) of s. 2, R.S.C. c. 9, for, although they were not so declared by the Dominion Elections Act, or by any other Act of the Parliament of Canada, yet they were infringements on subsequent statutory provisions as to the conduct of elections and may amount to corrupt practices within the common law of Parliament, as they might be of such extent that the constituency had not had a fair and free opportunity of electing the candidate whom the majority might prefer, this being the test applied by Lord Coleridge, C.J., in *Woodward v. Sarsons*, L.R. 10 C.P., at p. 743, and, therefore, the paragraphs of the petitions setting forth such acts should not be struck out on preliminary objections.

2. The conduct of the returning officer in connection with the election being complained of, he was properly made a respondent to the petition under s. 7 of the Act.

3. An allegation in the petition that the returning officer, with the knowledge and consent of the elected member, in many ways improperly aided and assisted in the election of the latter is too vague and should be struck out.

*Wilson and A. J. Andrews*, for petitioner. *Howell, K.C.*, and *Phippen*, for respondents.

Richards, J.]

TURNER v. SNIDER.

[April 16.

*Negligence—Infant—Liability of father for infant's tort.*

The plaintiff's claim was against a father and son for the recovery of damages for the loss of grain and hay by a prairie fire started by the son negligently firing off a gun with the muzzle in such close proximity to long dry grass that it immedi-