

the names of persons in regard to whom he has not obeyed the injunction of the statute. The holder of such a certificate is thus placed in a position to poll a vote at a polling place where his name does not appear on the list in the poll book, although he is not in truth the holder of (to employ the language of sec. 92) "a certificate properly granted under sec. 94."

The only question then is, whether the elector should be deprived of his vote by reason of the returning officer's neglect of duty. But, as the elector is seeking a special privilege, it is no hardship to impose on him or the person making the request on his behalf the duty of seeing that the statutory requirements are duly complied with. And there appears to be no good reason why the considerations applicable to the preceding cases should not also apply to these.

6 and 7. It is apparent from what has been said that certificates given to constables and certificates sent by telegraph are not properly granted under sec. 94, and cannot support votes received by virtue of them.

The argument of convenience having regard to the area and extent of the constituency is no doubt weighty, especially as regards certificates filled in by the election clerk, but there are the positive prohibitory terms of the section, which close the door against the signature to the certificate until the name, residence, and occupation of the elector have been inserted therein.

8. White's case. Upon the evidence this elector did not tender his vote to the deputy returning officer at the proper polling place (Bouin). His name was not on the list of the poll book in the custody of either Woodside (in the evidence called Whiteside) or Bouin, and he did not demand from the latter or receive a tendered ballot in the manner required by sec. 108. His vote could not in any event be counted on the scrutiny. And even if there had been a proper demand and an improper refusal there was nothing more than an irregularity.

The result on the whole is that the election is not avoided, but, as some of the rulings on the scrutiny proceedings were erroneous, the case must go back to be continued on that branch, pursuant to the arrangement made at the trial.

As to costs. The petitioner failed on the charges of corrupt practices, and he should pay to the respondent the costs of