

sidered as inhabitant of the house while he is not bodily within the house." That case also decides that "residence" and "inhabitaney" are practically synonymous terms: *Durant v. Carter*, L.R. 9 C.P. 261, at p. 268. In *Beal v. Town Clerk of Exeter*, 20 Q.B.D. 300, at p. 301, Coleridge, L.J., says: "Constructive residence may often be easily inferred, as in the case of a barrister on circuit, or a sailor at sea, when there is no doubt of both the power and the intention to return as soon as the circuit or the voyage is over." These observations, which are quite in accord with the view of residence in our election law as defined and held by Osler, J., in the case cited by my brother Middleton, *Re Voters' List of Seymour*, 2 Ont. El. Cas. 69, are ample authority for deciding that the voter Arthur Jones whose status is attacked (assuming that it is open to attack at this stage) could well claim to be, and swear that he was at the time of the voting, resident in the municipality for one month next before the election. The vote was taken on the 2nd January, 1911; he was then the tenant of his home at Beaverton held since the 7th April, 1909, of which he had been in actual occupation by himself and his family up to the 9th December, 1910. He was in that month called off to Whitby to take the place for a short time of an injured workman, employed as he was by the railway company. This was a temporary call and he did not expect that the removal would be at the outside for more than 2 or 3 months, and so he was told by the company. The tenure or terms of his employment are not in evidence, and there is no foothold for the argument that he had not the power to return at any time without the breach of a legal obligation—if that term is to be imported from the later English cases on the exercise of the parliamentary franchise. He had removed only enough furniture to fit up two rooms at Whitby for temporary occupation with his wife and child, and had left all the rest of his belongings (and some poultry) at his home, which he had locked up, and of which he kept on paying the rent. This is a controlling feature of the case, which, to my mind, shews that his real bona fide and continuing place of residence was where he cast his ballot. He was rightly on the list and rightly voted on that list.

*Held*, also, that it is too late, after the matter has gone to vote on a local option question, to hark back to preliminaries of procedure with a view of picking flaws, when there is no evidence that anyone has been misled, or that anyone has not had ample opportunity and knowledge of where his vote was