

94, no person is entitled to be admitted to vote unless his name appears on the list in the poll book.

5. The votes of persons voting on certificates issued in blank by the returning officer, whose names were afterwards filled in by the election clerk or other person, were improperly received, being against the provisions of s. 94.

6 and 7. Certificates given to constables and certificates sent by telegraph are not properly granted under s. 94, and cannot support votes received by virtue of them.

8. Upon the evidence W., an elector, did not tender his vote to the deputy returning officer at the proper polling place, and did not demand or receive a tendered ballot in the manner required by s. 108; and, even if there had been a proper demand and an improper refusal, there was nothing more than an irregularity; MEREDITH, J.A., dissenting.

Judgment of MACLENNAN, J.A., and TEETZEL, J., at the trial, varied.

*Hellmuth*, K.C., *Keefer*, and *Elliott*, for petitioner, appellant. *Aylesworth*, K.C., and *McBrady*, for respondent.

Full Court.]

[June 16.

GLOSTER v. TORONTO ELECTRIC LIGHT CO.

*Nuisance—Electric wire—Proximity to highway—Injury to infant—Neglect of duty—Evidence for jury.*

The wires of the defendant company were strung upon poles across a ravine parallel and at least fourteen inches from a bridge forming a highway. The plaintiff, a boy of eight years, who was crossing the bridge or playing thereon, pushed his arm through an opening in the lattice work of the railing of the bridge, and touched a wire. The insulation being imperfect, the boy's hand, where it had touched the wire, and his head, which touched part of the iron work of the railing, were burnt. The wire was at such a distance that it could not be touched accidentally by any one merely passing over or standing on the bridge or at the railing, or who was looking through or over the railing, or without intending to touch it, or without deliberately reaching out through the railing as far as the wire, and there was no evidence that there was anything of a character likely to entice or induce children to play with it or put their hands upon it.