

the petition filed in the office of the local registrar at Owen Sound be dismissed and all further proceedings stayed, and the other of which dismissed an application by petitioner to extend the time for leaving a copy of the petition with the local registrar at Owen Sound, to be sent to the returning officer.

The appeal was heard by MOSS, C.J.O., OSLER, GARROW, MACLAREN, J.J.A., and STREET, J.

I. F. Hellmuth, K.C., for petitioner, appellant.

R. A. Grant, for respondent.

MOSS, C.J.O.—The first question to be determined is, whether, by the terms of the Controverted Elections Act, as amended by 62 Vict. (2) ch. 6, or of the general Rules respecting the trial of election petitions, or by the conjoint effect of the Act and Rules, the petitioner was bound, when delivering the petition to the local registrar, to leave with him a copy thereof to be sent to the returning officer, in order that the latter might forthwith publish a notice thereof, pursuant to sec. 2 of the Act. . . .

Before the amendments introduced by 62 Vict. (2) ch. 6, the procedure was clearly defined. Section 12 of the Act was and is silent as to the person upon whom lay the duty of furnishing a copy to be sent to the returning officer. But Rule 2 made it the duty of the petitioner. . . .

The Act was amended by 62 Vict. (2) ch. 6, and it was enacted that, in cases arising elsewhere than in the county of York or city of Toronto, presentation of the petition shall be made by delivering it to the local registrar of the High Court of the county in which the electoral district or any part of it is situated, or otherwise dealing with the same in the manner prescribed. Following this it was provided that, on presentation of the petition, the registrar of the Court of Appeal or the local registrar of the High Court, as the case may be, shall send a copy thereof by mail to the returning officer of the electoral district to which the petition relates, thus making it the duty of the local registrar to send a copy to the returning officer for publication of a notice thereof.

Owing to some questions having arisen in consequence of there being no local registrars in some counties, and of there being no express provision for the case of an electoral district situate or partly situate in a provisional judicial district, Rules were passed to meet these cases, but Rule 2 was not amended. . . .

The Act and the Rules must be read together as part of one code. Rule 2 was, of course, framed with reference to