

direct evidence which the Poll Book should afford, of the precise lot upon which a voter voted, his right to vote cannot be successfully assailed. The majority appeared to consider that such a view would place an election entirely at the mercy of any Returning Officer; who might insert upon the Poll Book any number of fictitious votes, and by omitting any designation of property, prevent their being scrutinized. They seemed to be of opinion, with both the Judges, that in the absence of a designation of property on the Poll; proof; by the Valuation Roll of his parish and by his neighbours, of the property the Voter occupied, and was assessed for; that to the knowledge of his neighbours he occupied no other; and that in the Valuation Roll he was assessed for no other; constituted sufficient evidence of the property he voted on. Because it was the best evidence that could be procured, and was of such weight as to shift upon him the *onus* of shewing he had other property, if such was his pretension.

This view of the case is believed to be sustained beyond controversy, by the arguments of Counsel and authorities cited at pp. 58 to 61. As already stated, it is held both by Judge Badgley and Judge Bruneau; and since the election in question the evidence afforded by the Valuation Roll alone, has been constituted the sole test of a man's possession of the franchise.

Upon the other questions suggested by the Counsel for the Sitting Member, it is understood that the Committee were unanimously against him.

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NOTE J. (p. 64.)

The only distinction between this voter and McReth, is that the former had paid rent to the Seigneur. It is considered that this fact placed him in the position of a person who is in occupation of a property with the consent of the owner, and with intent to become the proprietor thereof on the performance of certain conditions. No other construction could be put on his occupancy: and these facts constituted him an "occupant" within the meaning of the law. It was not denied that the voter might be considered as having had a right to demand a Concession Deed from the Seigneur; but admitting that right, he certainly could not be considered proprietor till he had exercised it. The