

## ELECTION CASES.

MacLennan, J.]

[March 2.

## RE WEST HURON PROVINCIAL ELECTION.

*Recount—Ballots—Mistaken initials endorsed—Torn ballot—  
Two adhering as one—Marked with numbers in poll book.*

1. On a recount of ballots the county judge having found that three ballots marked as delineated in the judgment were good and that the letters "B.S." on the back of a ballot were placed there by the deputy returning officer by mistake for his own initials "R.S." and that the validity of that ballot was saved by sub-s. 3 of s. 112 of R.S.O. 1897 c. 9, his division was affirmed on appeal.

2. A ballot torn in two and pinned together, no part of it being absent or wanting, is a good ballot. *Re West Elgin* (1898) 2 O.E.C., p. 62, distinguished.

3. Two ballots, consecutive in number, were supposed to have been handed to a voter sticking together as one, with the deputy returning officer's initials on the lower one and the voter was supposed to have marked the upper one, not initialed, which was not discovered until the counting of the votes. Held that the ballot marked, but not initialed, was properly rejected.

4. Ballots marked on the back with the number in the poll book opposite to the name of each voter were properly counted. *Re Russell No. 2* (1879) H.E.C. 519, followed.

*Dickinson*, for the appeal. *Mowat*, K.C., and *Killoran*, contra.

[March 2.

## RE PRINCE EDWARD PROVINCIAL ELECTION.

*Recount—Jurisdiction of deputy judge—Deputy returning officer's non-compliance with Act—Ascertaining result—Ballots—Marking.*

*Held*, 1. A deputy County Court judge in case of the illness of the county judge has jurisdiction to hold a recount of ballots in an election for the Provincial legislature.

2. There is nothing in the Election Act making invalid or void the votes cast at any particular poll in case the deputy returning officer has failed to comply with the requirements of the Act after the close of the poll and when the deputy returning officer omitted to return a statement of the votes cast by the returning officer had no difficulty in ascertaining the number of