

the voter's illiteracy, and the other formalities required were not observed. The same state of things is shewn to have occurred so far as the votes of William Wray, Samuel Carson, and Rhoda Calcott are concerned. . . .

Then as to the vote of Margaret Harker. On the evidence it is somewhat in doubt whether she did or did not direct the deputy returning officer how she wanted to vote, or whether any direction that was given was not so given by Mrs. Carruthers. It is clear, of course, upon her own shewing, that she wished to vote for the by-law, and that the ballot was marked according to her direction, and, unless the irregularities complained of are fatal, this should weigh in considering whether her vote should or should not be struck out. I am inclined, with hesitation, to allow her vote.

As to the vote of William Ellis, I think it clear upon the evidence that this vote should be disallowed. There is the plain statement in the first affidavit of the deputy returning officer that he marked the ballot as he liked. Upon the whole evidence I am satisfied that that is what occurred.

As to the vote of Albert Plaxton, his ballot was dealt with very much in the same way as those of Demarry, Wray, Carson, and Calcott. He makes no affidavit, nor is he examined. There are discrepancies in the affidavits made by Leitch as to this vote. . . .

As to her ballot, Margaret McKellar corroborates Leitch in the statement that he marked it as she directed him to do. I think, perhaps, this ballot should also be allowed.

As to the ballot of Emma Cook, there are the same discrepancies in the affidavit of Leitch as with reference to Plaxton's vote. She, however, corroborates him about her ballot being marked as she directed him. I think her ballot should also be allowed.

As to the vote of Arthur Cushman, it stands upon the affidavits of Gibson, and his affidavits do not contain any contradictory statements.

I have thus concluded to disallow the vote of Ellis and to allow the votes of Margaret Harker, Janet McKellar, and Emma Cook.

This leaves the 6 votes of Demarry, Wray, Carson, Rhoda Calcott, Albert Plaxton, and Arthur Cushman to be disposed of.

Had the voters a full and fair opportunity to cast their votes, was the secrecy of the ballot reasonably assured, and was the result of the election affected by anything which was irregularly done?

As to the first point, it is clear that each of the voters in question had a full and fair opportunity to cast his ballot. It is true