warranted to conclude that, if the polls in question had remained open until 8:00 p.m. instead of closing at 7:00 p.m. or between that hour and 8:00 p.m., additional persons would have voted in such numbers and in such manner that the result of the election may have been affected. There were many factors which would have militated against people voting in such numbers in those particular Divisions only as compared with the rest of the District—the weather, distance from the poll, lack of transportation, being busy at work, and so on, of which there is evidence before us.

We have considered the cases cited by counsel but we do not consider that it is necessary to deal with them all. Mr. Fagan cited the Mackney case (1875) J.P. Rep. 151; In re Pounder (1892) 19 Ont. A.R. 684; Woodward v. Sarsons (1874) L.R. 10 C.P. 743; and Boyle v. Telfer (1943) 46 W.A.L.R. 2, and dealt with some of those cited by Mr. Browne, whose list was: Macpherson: Election Law of Canada; Rogers on Elections, 15th ed., Vol. 3; the Colchester case (1789) 1 Peck. 503; the Limerick case (1833) Par. & K. 355; the Drogheda case 2 O'M & N. 201; Halsbury 3rd ed. Vol. 14 p. 149 para. 261; Woodward v. Sarsons (1874) L.R. 10 C.P. 743; the Warrington case 1 O'M & H. 42; The Akaroa Election Petition (1891) 10 W.Y.L.R. 158; The Clare Eastern Division case (1892) 4 O'M & M. 162; and the West Division of Islington case (1901) 5 O'M & N. 120. We think that it will be sufficient to refer to Woodward v. Sarsons and The Akaroa Election Petition.

Mr. Fagan pointed out that in the cases cited the relevant statute read "did not affect . . ." or words to that effect, rather than, as in this case "may have affected . . ..". He said he had been unable to find a Canadian case precisely on the point in issue here, that is, that the time of opening and closing the polls "may" have affected the result of the election. Be that as it may, we feel that, as the following quotation will show, Woodward v. Sarsons cover also the case where there was reasonable ground for believing that a majority "might" have been prevented from electing the candidate they preferred, that is, that the result of the election might have been affected. In the Woodward case, from which extensive quotations appear in the Akaroa case, Lord Coleridge said, at page 743:

> ". . . . we are of the opinion that the true statement is that an election is to be declared void by the common law applicable to parliamentary elections, if it was so conducted that the tribunal which is asked to avoid it is satisfied, as a matter of fact, either that there was no real electing at all, or that the election was not really conducted under the subsisting election laws. As to the first, the tribunal should be so satisfied, i.e., that there was no real electing by the constituency at all, if it were proved to its satisfaction that the constituency had not in fact had a fair and free opportunity of electing the candidate whom the majority might prefer. This would certainly be so, if a majority of the electors were proved to have been prevented from recording their votes effectively according to their own preference, by general corruption or general intimidation, or by being prevented from voting by want of the machinery necessary for so voting, as by polling stations being demolished, or not opened, or by other of the means of voting according to law not being supplied or supplied with such errors as to render the voting by means of them void, or by fraudulent counting of votes or false declaration of numbers by a Returning Officer, or by other such acts or