

As regards the scrutiny and the questions which were argued with respect to it:—

1. Hesson's vote. No. 5 of the scrutiny charges.

The question is whether he was an agent for the sale of Crown lands, and so disqualified from voting under sec. 4 of the Ontario Election Act, R. S. O. 1897 ch. 9. It appears that he was an agent under the Free Grants and Homesteads Act, but his authority was restricted to taking entries and making locations for free homesteads under the Act, and that he was not authorized to sell or to receive moneys for the sale of public lands. It would be an extension of the terms of sec. 4 to say that he was an agent for the sale of Crown lands. He had no commission or authority to act as agent for sale, and he did not assume to act in that capacity. His vote was therefore properly held to be good.

2. McKay's vote. No. 49 of the scrutiny charges.

This person voted at Beaudreau's, which was not his proper polling subdivision. He was requested by the deputy returning officer at the former place to drive some voters to the poll at Beaudreau's. He objected that by doing so he would lose his vote, and the deputy returning officer thereupon furnished him with a transfer or certificate to vote at Beaudreau's. He had not been named as the agent of the respondent at Beaudreau's, nor did he receive any such appointment other than the request of the deputy returning officer. He did not in fact, act as agent at Beaudreau's, though he appears to have taken the oath of secrecy, and his only reason for going there was to drive the voters to the poll, in compliance with the deputy returning officer's request. He was, therefore, not a person entitled to request or to be given a certificate under sec. 94 (1) and (4) of the Act. He was not an elector who had been named the agent of the respondent at a polling place other than the one where he was entitled to vote. If he was an agent at all, he was agent for an entirely different purpose, and it was the only one which he himself believed he was appointed for. His vote should not have been allowed. From the short note of the judgment in his case it would seem that the vote was allowed on another ground, viz., that his name being on the original general voters' list, and his vote having been tendered and accepted at Beaudreau's, it should not be struck off, although his name was not on the list at that polling subdivision.