

It is said that the presence of so many persons is contrary to the Act and destroys the secrecy of the ballot, and that there should be only one compartment for ballot marking, one voter, and one agent on each side, present at one time, besides the returning officer and poll clerk, who with the agents are sworn to secrecy.

As to the persons in the space at the entrance door, I would hold that they were not in fact in the polling place, which was the space 22 feet distant and separated from them by the rows of seats.

As to the presence of more than one voter at a time, a word may be necessary. Section 145 requires that every polling place shall be furnished with a compartment in which the voters can mark their votes secure from observation. Taken literally sec. 145 does not exclude the idea of several voters at once in the one compartment if it is large enough or so constructed as to permit of secrecy for each. . . . As polling time is only 8 hours, and voters come at some hours in greater numbers than at others, and at some municipal elections there are several and sometimes complicated ballots to be marked, it might be impracticable to take the vote if only one at a time were admitted.

The object of subdivisions was to prevent crowding. I do not think the necessity of providing one excludes the idea of providing more, if deemed necessary for convenience and dispatch.

Then it is said that the Act contemplates not only secrecy as to how a man votes, but as to whether he has voted, and therefore no one unpledged to secrecy should be allowed to know whether a voter asks for or deposits a ballot paper, and for this the form of declaration of secrecy, schedule I., prescribed by sec. 199, is referred to as containing a promise not to disclose the name of any person "who has voted," nor how he has voted. Looking at secs. 162, 198, and 367, it would be questionable whether voting meant anything but the actual marking of the ballot, and in *Re Canada Temperance Act* and *City of St. Thomas*, 9 O. R. 154, Mr. Justice Rose considers a vote the expression of a choice, and a rejected ballot apparently not a vote. It is as important to keep secret whether a man has improperly marked or left unmarked his ballot as how he marked it. It is not important to know whether he applied for or deposited one. If the Act were read so as to forbid that, it would in practice be futile, and if it could be made effective it would be harm-