

Judge (Armour, J.), held that ballot papers upon which a deputy returning officer had placed a number corresponding with that which appeared opposite to the name of the voter in the voters' list were rightly rejected.

The Act in force when the election which was in question in that case was held was the Act of 1874, as amended by 41 Vict. ch. 6, the 43rd section of which, as amended, required the deputy returning officer to place on the counterfoil of the ballot paper a number corresponding to that opposite the voter's name on the voters' list.

The voters' lists in use at the election were no doubt copies of the provincial voters' lists, and there would therefore have appeared in them opposite to the voter's name his number upon the assessment roll, and it was these numbers that the deputy returning officer had placed upon the ballot papers which it was held were rightly rejected.

Mr. Aylesworth pointed out, as supporting his second ground of argument, that certain ballot papers upon which a number had been placed by the deputy returning officer were held not to be thereby made subject to rejection, but I am unable, when the circumstances are considered, to see that this supports his contention. The testimony of the deputy returning officer shewed that he had placed the same number both on the counterfoil and on the ballot paper, but those numbers were taken at random, and as he deposed, and the election Judge found, the voter could not be identified by them, and it was upon this ground that it was held that these ballot papers ought not to be rejected.

It was probably in consequence of the decision in the East Hastings case that the amendment of the Ontario Act to which I have referred was made.

The question (arising on the Ontario Act) was again dealt with in the Russell (No. 2) case (4th December, 1879), H. E. C., 519, the election Judges being the then Chief Justice of Ontario and Vice-Chancellor Blake.

In that case the deputy returning officers at certain of the polling subdivisions had placed numbers on the backs of the ballot papers corresponding with the numbers put opposite to the voters' names in the voters' lists.

Referring to the effect of this upon the ballot papers the Chief Justice said (p. 522): "Under the Act of 1874 (R. S. O. ch. 10) that would, I apprehend, have been a fatal objection to the validity of the vote, but the Act of 1879 (42 Vict. ch. 4) was passed for the very purpose of remedying that difficulty." And the Vice-Chancellor said (p. 527): "Un-