

MACLENNAN, J.A.

JULY 4TH, 1902.

C.A.—CHAMBERS.

RE MUSKOKA PROVINCIAL ELECTION.

MAHAFFY v. BRIDGLAND.

*Parliamentary Election—Recount of Ballots—Irregular Marking—
Initials of Deputy Returning Officer.*

Appeals by both candidates from the decision of the Judge of the District Court of Muskoka upon a recount of the votes cast at the election.

C. A. Masten and Eric N. Armour, for Mahaffy.

R. A. Grant, for Bridgland.

MACLENNAN, J.A.:—On Mahaffy's appeal, I disallow all the objections to the Judge's rulings except two. Two ballots, numbered 5081 and 7971, were marked for Bridgland with a straight line only, and were allowed for him. I think they should have been rejected.

On Bridgland's appeal, two ballots, numbers 1761 and 6987, were marked with a cross, the one upon, and the other above, the upper line. These were rejected. I think they should have been counted for Bridgland. No. 5067, marked with a straight line and allowed for Mahaffy, should be disallowed. No. 26, disallowed by the Judge, should be allowed for Bridgland—a cross made by three or four strokes of the pencil.

The Judge disallowed all the votes at No. 17 Wood and Medora, on the ground that the deputy returning officer, whose name was Henry Cully Guy, initialled all the ballots at his poll "H. G.," instead of "H. C. G." The Judge also disallowed all the votes at poll 18 Wood and Medora, on the ground that the deputy returning officer, William D. McNaughton, indorsed the ballots with the initial "McN.," instead of with the full initials of his name.

I am of opinion that—the sole purpose of requiring the deputy returning officer to indorse his name or initials upon the ballot being to secure the identification of the ballot brought back by the voter as that which was delivered out to him—the initials used by both these officers were sufficient. The Legislature has shewn its intention, when everything else is found to be regular, not to require great exactness in the matter of the name or initials, by enacting that where the number of ballots which were used is found to be correct, the total absence of name or initials on some of them should not be ground for rejection: sec. 112 (2). There