

place of ordinary resident of such elector does not appear, shall be laid aside, unopened; the special returning officer shall endorse upon each such outer envelope the reason why it has been so laid aside, and such endorsement shall be initialled by at least two scrutineers; the ballot paper contained in such outer envelope shall be deemed to be a rejected ballot paper.

(2) Any outer envelope received by a special returning officer after nine o'clock in the forenoon of the day immediately following polling day, shall also be laid aside unopened; the special returning officer shall endorse upon such envelope the reason why it has been so laid aside, and such endorsement shall be initialled by at least two scrutineers; the ballot paper contained in such outer envelope shall be deemed to be a rejected ballot paper.

(3) The special returning officer shall retain all unopened outer envelopes mentioned in sub-paragraphs (1) and (2) in safe custody, and, after the counting of the votes is completed, transmit them to the Chief Electoral Officer, as prescribed in paragraph 81."

When the special returning officer received the 20 questioned ballots he noticed that the envelopes in which they were enclosed did not bear the signatures and information required by this and preceding sections. He thereupon sent the envelopes, by Army drivers, back to be properly endorsed. This was done and the envelopes were returned to him. There is no question that the persons who voted were not qualified or that the envelopes were tampered with. This being so, invoking S. 84 of the Elections Act, to which we shall refer hereafter at greater length, we say that this part of the election was conducted in accordance with the principles laid down in the Act. We say that these votes are good.

2. Will be dealt with later.
3. It has been proved that four persons, Mr. and Mrs. Carr, Billy Evans and Alex Nicholls voted in polling divisions where they were not enrolled. Their ordinary residence on the date of the issue of the writ (see S. 14 Canada Elections Act) was not in those polling divisions. Despite this if they had been enrolled we would not feel that their qualification was open to question here. But they were not enrolled and were only allowed to vote because of S. 46 and because presumably some person or persons had sworn that they were ordinarily resident in their respective appropriate polling divisions when the writ was issued. But they were not so resident and S. 46 provides only for voting by qualified electors. The evidence with S. 14 shows they were not qualified. Their votes are disallowed.
4. This claim has been abandoned.
5. We find that 1 person Frank Peters, disqualified by minority, was allowed to vote.
6. This is admitted by the respondent.
7. This claim has been abandoned.

Points 2, 8 and 9 remain to be dealt with. Generally speaking, the attack is based on non-compliance with Sections 37 and 46 of the Canadian Elections Act, the relevant parts of which we cite:

"37. (1) Subject to his taking any oath or affidavit authorized by this Act to be required of him, every person whose name appears