

returning officer as having been done by consent of scrutineers for and against the by-law, and what happened was that several persons who were unable to read had their ballots marked for them behind the screen in the presence of both scrutineers. This was wrong: it is only those who make a declaration that they are unable to read, who are entitled to have their votes cast in the manner mentioned: sec. 171. Some half a dozen are said to have voted in the same way in No. 3.

If the number of persons thus voting had been large, it might be necessary to consider how far this defect was cured by sec. 204, but not more than about a dozen are claimed to have voted in this way. The vote was in all 711—for the by-law 477, against 234. To destroy the statutory majority, 126 votes must be struck out, thus: for the by-law 477, struck out 126: 351. Against 234; total value votes 585; three-fifths of 585, 351.

See *Re Armour and Township of Onondaga* as to the proper method of calculating the effect of striking off votes.

Thus it appears unnecessary to consider the effect of sec. 204.

One William Shaw is said to have been brought into the room and up to the table for the purpose of receiving a ballot, by two persons said to be supporters of the by-law. He is not sworn to have voted, but I find a name William Shaw in the poll book for No. 3, which I shall assume shews that he did vote. If these persons acted as they are said to have acted, it was wrong; but the matter is a trifling one. William Gerow senior was helped into the room by two persons, but it is sworn that that was because he had met with a severe accident and lost one leg, and the assistance was necessary: and it is further sworn that he went alone behind the screen to mark it.

Thomas Sharpe and his mother are said to have gone behind the screen together, the son having received both the ballots: but this is modified by the affidavit of the deputy returning officer, who says that each received a ballot separately, and went behind the screen separately, although they were there at the same time. This irregularity is a trifling one.

Some 18 voters were sworn and voted; I cannot understand how the objection now taken to these votes can be given effect to. See objection 17 below.