

itals; and, as I felt bound by the same section, I felt it my duty under that section to reject 5358 and to count 5359 as one of the ballots cast."

I have felt a desire, if possible, to allow this ballot, fairly and honestly marked by the voter for the candidate of his choice. Even if he noticed that there were two papers, he may have thought that was the proper method of voting, having received them both from the deputy returning officer. He therefore complied with sec. 103, folded them across so as to conceal the names of the candidates and the mark on the face of the paper, and so as to expose the initials of the deputy returning officer and the number on the back, and delivered them so folded to the deputy returning officer. The folds of both papers correspond exactly, shewing that he must have done all that. The same section, 103, requires the deputy returning officer, when the ballot is delivered to him, to deposit it in the ballot box, *without unfolding it*, or in any way disclosing the names of the candidates, or the mark made by the elector. His duty is merely to verify his own initials and the number on the back of the paper, and he is expressly forbidden to unfold it. I am therefore compelled to agree with the inferences of the Judge that both papers folded together were placed in the box by the deputy returning officer, and that when the ballots were counted at the close of the poll, No. 5358, although properly marked, being found without initials, had to be rejected, as required by sec. 112. I have considered whether these papers could not be treated as one ballot, and be allowed; but I think I may not do that. That would be to condone the error of the deputy returning officer, and to encourage laxity in the discharge of an important public duty. The ballot must be held to have been rightly rejected.

The remaining objection is as to the ballots in polling subdivision No. 4, Goderich.

The contention was that all those ballots should have been rejected, for the reason that they were all marked on the back with the number in the poll book opposite to the name of each voter, and that by that means the identity of each voter could be discovered.

The Judge came to the conclusion that the numbers were placed on the ballots by the deputy returning officer, and that the case was governed by sub-sec. 3 of sec. 112, and that the validity of the ballots was not thereby affected.

The Judge had ample evidence before him to enable him to judge whether the numbers had been placed by the deputy returning officer or his poll clerk, evidence which I have not