

The resolution providing for submission to the votes of the electors, passed 27th November, 1906, appointed the clerk as returning officer, William Clegg as deputy returning officer for the west ward, James Baker as deputy returning officer for the east ward, and Alfred Courtemanche, as deputy returning officer for the south ward.

The by-law, as advertised, provided that William Clegg should be deputy returning officer for the west ward or polling subdivision No. 1, James Baker for the east ward or polling subdivision No. 2, and Alfred Courtemanche for the south ward or polling subdivision No. 3. Clegg acted as deputy returning officer for polling subdivision No. 1, and no objection is taken to him. James Baker was apparently unable, at all events he refused, to act, and the clerk of the town, after consultation with the mayor, appointed William Gerow to act in his stead. This is alleged to have been done under sec. 108, but it was done long before the time arrived for attending for instructions. Consequently, the provisions of this section have not been literally complied with; but this was the merest irregularity. It was known that Baker would not act as deputy returning officer, and, instead of going through the idle form of notifying him to attend for instructions, and waiting for his non-attendance, and then appointing a substitute, the clerk acted at once upon the refusal. Such an irregularity is healed by sec. 204.

As to polling subdivision No. 3, by-law No. 632 had appointed Alphonse Courtemanche deputy returning officer for the polling subdivision for the municipal elections. This seems to have been a mere mistake for Alfred Courtemanche—and the resolution for submitting this by-law to the electors was correct; the name is printed "Alfred Courtemanche" in the by-law as published, and Alfred Courtemanche acted as deputy returning officer. I see nothing in this objection.

The case of *Re McCartee and Township of Mulmur*, 32 O. R. 69, is cited against these two deputy returning officers. Since that decision, the statute of 4 Edw. VII. ch. 22, sec. 8, has been passed, but the provisions of this statute have not been complied with. Supposing the *McCartee* case to have been well decided, I still think that the naming of the deputy returning officer is sufficient.

Objection 9. The poll clerks officiating at polling subdivisions Nos. 1 and 2 were not authorized to do so. By-law No. 633, passed 18th December, appointed for the municipal election poll clerks George Gregory for polling