

no explanation given why the crowd of people at each place was allowed—no excuse of any kind. There is no affidavit by any official to explain why he did allow it or had to allow it. It seems to have been a very loosely conducted election, at each of the places.

Then there is evidence upon affidavit that certain electors were instructed as to how they should vote. Serious charges are also made and not contradicted in reference to two persons said to have been present in one of the polling subdivisions, where there a number of people present, that they were openly canvassing in support of the by-law in the polling place. I have not been referred to any section of the Act which expressly prohibits canvassing voters in the polling place, but it is certainly contrary to the principle and intention of the Act that any such thing should take place. Section 173, which prohibits any one except officials and agents of the parties and one voter being present at a time, indicates that there should not be any influence or canvassing brought to bear upon voters in the polling place. But, chiefly on the ground that the Act has been very seriously violated, by permitting such large crowds of people during polling hours in all the polling places, without any excuse being offered therefor, I think I must hold that, in the language of sec. 204, the election was not "conducted in accordance with the principles laid down in the Act."

The provisions of the Act in regard to secrecy, which was the purpose of sec. 173, were not observed. The case comes within the principle of *Re Hickey and Town of Orillia*, 17 O. L. R. 317, 12 O. W. R. 68, 433, 650; and the by-law must be declared void.

Costs to be paid by the township.

HODGINS, LOC. J. IN ADMIRALTY.

MAY 8TH, 1909.

EXCHEQUER COURT OF CANADA.

LAKE ONTARIO STEAMBOAT CO. v. FULFORD.

*Ship—Collision—Rules of Navigation—Determination as to Vessel in Fault—Precautions—Special Circumstances—Damages—Loss of Profits.*

Action against Mrs. Fulford, the life tenant of the steam yacht "Magedorna," for damages caused by the collision of the "Magedorna" with the steamship "Caspian" in King-