

Osler. J.A.]

[June 30.

IN RE PRINCE EDWARD PROVINCIAL ELECTION.

WILLIAMS v. CURRIE.

*Parliamentary election—Recount—Ballot papers—Absence of candidates' numbers.*

Recount of votes cast at a provincial election.

*Held*, that the candidate's number mentioned in s. 69 (3) of the Ontario Election Act, R.S.O. 1897, c. 9, is not an essential part of the ballot paper; and where a deputy returning officer, in detaching the ballot papers from the counterfoils, did so in such a manner that the candidates' numbers were left on the counterfoil, instead of appearing on and as part of the ballot papers, such ballot papers, when marked by voters, were not rejected.

*S. W. Burns*, and *Eric N. Armour*, for Williams. *Widdifield*, for Currie.

MacLennan, J.A.]

[July 2.

IN RE NORTH GREY PROVINCIAL ELECTION.

BOYD v. MCKAY.

*Parliamentary election—Recount—Jurisdiction of Junior County Court Judge—Ballots—Irregular marking.*

A Junior Judge of a County Court has jurisdiction under the Ontario Election Act, R.S.O. 1897, c. 9, ss. 124-131, to recount votes.

Four ballots counted for one of the candidates by a deputy returning officer were held to have been properly rejected by the County Court Judge on a recount, in consequence of each being marked with a cross in the divisions of both candidates. There was nothing to shew that, as was alleged, one of the crosses had been placed on each ballot after the count by the deputy returning officer.

A ballot having a distinct cross in the division of one candidate, and an obliterated cross in that of the other, was allowed for the first.

But where there was a distinct cross in one division, and a very faint one in the other, the ballot was rejected.

A ballot marked for one candidate and having the name of that candidate written on the back, was rejected.

Ballots having, instead of a cross, a perpendicular line, a horizontal line, a straight slanting line, were rejected.

A ballot properly marked, but having on the back words written by the deputy returning officer, was allowed.

Ballots marked by placing the cross on the back were rejected. Several tremulous connected marks in one division. Ballot allowed.

A strongly marked cross in one division, and a thin faint upright pencil mark on the upper edge of the ballot in the other division, not indicative of any intention to make a cross. Ballot allowed.