

Of the 371 votes counted in the declaration of the clerk for the by-law, it is admitted that one was counted by mistake for instead of against; this leaves 370 for and 233 against. Consequently, even if all these to be disallowed be deducted from the winning side, it will need 21 votes to be struck off to reduce the majority vote below the statutory minimum. . . .

The applicant attacks a number of votes, while relying upon those which have been struck off by the County Court Judge being kept off. . . . I do not think that the applicant can here succeed by shewing a number of invalid votes, together with those struck off by the County Court Judge sufficient to reduce the number below the minimum, unless it also appears that the County Court Judge was right. . . .

The applicant claims the following cases:—

1. Chisholm, Visinski, Kubisenski, Bearon, Rabor, Lepine, Leskie, Knash, Liturski, Verkus (10 in all), illiterates.
2. Robert Timmons, blind.
3. Mrs. Berlanquet and Mrs. McLaren, old women.
4. Jessie Ferguson, declined to vote, but vote counted.
5. Ann McManus, marked her ballot in public.

In addition to these Mary Tackman's vote is questioned . . . her vote cannot be struck off. So also . . . Mary Utrunky's vote is attacked, but her own affidavit is to be taken.

In respect of class 1, the fact is that they, claiming to be illiterates, were not required by the deputy returning officer to make any declaration as to their incapacity, but the deputy returning officer took a ballot and marked it for the voter in his presence alone and not in the presence of the agents, as it is contended is required by sec. 171 of the Act. . . . The argument is, that the illiterate is given the right to vote only on making the declaration—that, consequently, a vote taken thus is void, and that it is not simply an irregularity. I do not accede to this argument, but it is, in my view, not necessary to decide the question, for reasons that will shortly appear.

(2) In the case of Robert Timmons, the blind voter . . . no declaration was needed; but the irregularity of marking his ballot by the deputy returning officer in presence of the voter alone . . . was committed also in his case. As, however, the right to vote at all cannot be considered to depend upon the manner of voting, this vote cannot be struck off in these proceedings.

(3) Mrs. Berlanquet and Mrs. McLaren are very old women. The former . . . appeared at the polling booth, stated that she was not able to mark her ballot herself, and the deputy return-