

category of spoiled ballots, though not strictly a rejected one. Mr. Halpin, the applicants' solicitor, who attended on the scrutiny before the County Judge, makes affidavit of the condition of the books and papers when produced there, and the only deficiencies he mentions are that the packets containing the ballots were not sealed with wax, and the poll book was not in a sealed packet, but wrapped in a newspaper, and the ballot box was not sealed. Nowhere does the Act require wax nor the sealing of the box, and, though sec. 377 requires the poll book, in the case of by-laws, to be in a packet with other papers, it is to be noticed that at elections sec. 177 only requires it to be delivered to the clerk, and makes it open to inspection by any elector. Here the clerk was returning officer and deputy returning officer combined. The poll clerk also says that the returning officer "did not take a note of the objections made to the four ballots objected to and not counted, nor did he number said objections or ballots." There is no explanation of what four ballots are referred to or what objections. The returning officer says there were no objections to his course. For all that appears no one objected to any of the ballots but the returning officer himself. The County Judge rejected four ballots less than the returning officer. There is no assertion that the rejected ballots were not marked "rejected," or that there was any difficulty whatever on the scrutiny. As the poll clerk seems willing to disclose all the faults of the day, it may be assumed that the separate packets of ballot papers required by sec. 361 were made up at the polling place, though not there marked as to their contents or sealed with the returning officer's seal. Withal there is not a suggestion of any tampering with ballots or results, or of any injury being done, or of the irregularities complained of having in any way affected the result. The returning officer explains that this was his first experience, he having been appointed clerk only in March, 1904, and says that everything was done in good faith, and he did all he could to conduct the election fairly and without fear, favour, affection, or hope of reward from either side. Manifestly the agents on each side were satisfied, for no objections to anything is heard of from any of them. In *Regina ex rel. Preston v. Touchburn*, the conduct of the returning officer was more objectionable than here. In the cases cited for the applicants there was the reasonable probability that the result might have been affected by reason of the public not having proper notice. Here there is