

6. Allowing other persons to be in a position to see how the voter marked his ballot.

7. Allowing persons to be in the polling place who were not entitled to be there.

8. Non-performance by the returning officer of various duties required of him at and after the close of the poll.

Let us take these in their order.

First: sub-sec. 2 of sec. 338 of the Municipal Act is relied on as requiring that the council shall by resolution designate the newspaper in which the by-law with notice of the polling is to be published, and Mr. W. H. Dillon, a member of the council, makes affidavit that the council did not do so. It is shewn, however, that in March, 1904, a resolution had been passed awarding to the proprietor of the St. Lawrence "News," published in the neighbouring village of Iroquois, for a fixed sum, all general printing and advertising of the village for the year 1904, and that Iroquois is the nearest municipality wherein a newspaper is published, and the by-law and notice were published in that paper accordingly. The reeve also makes affidavit that he inserted the name of the newspaper in the notice at the council board. It is not clear that the Act requires the particular newspaper to be designated, or more than the locality of its publication. However, I am of opinion that the previous standing resolution was sufficient. Even if it were not, the statute has been substantially complied with. . . . See *In re Salter and Township of Beckwith*, 4 O. L. R. 51, 1 O. W. R. 266; *Re Pickett and Township of Wainfleet*, 28 O. R. 464; *Re Fenton and County of Simcoe*, 10 O. R. 27; *In re Lake and County of Prince Edward*, 26 C. P. 173.

Next: as to appointment of agents or scrutineers under sec. 342. It is shewn that the reeve did appoint not only one agent for each side to attend the polling, but two. This ground, therefore, fails, whatever effect the presence of the additional agent in the polling place may have under the 5th class of objections.

Third: as to persons being allowed to vote who were not entitled. The applicants read affidavits of 10 persons who say their names were on the list and they voted. They assert either that they were not qualified to vote or state facts from which it is argued that they were not. These 10 persons are W. Bearsford, E. Shaver, M. L. Connolly, R. Van Camp, E.