votes were disallowed and the election declared void. We cite from the judgment of MacDonald, J. at p. 353:

> "From the evidence I am satisfied that Faulkner and Rasmussen were not entitled to vote under s. 38 and that therefore their votes were invalid.
>
> This being so I am of opinion that by reason of the casting and counting of these unlawful votes and the legal inability of the Court to ascertain for whom they were cast and the consequent impossibility of the Court determining that any candidate secured a majority of the votes legally cast the Court must declare the election void."

Blanchard vs Cole, supra, is an authority only applicable to voters not vouched for. In this connection we should intimate that, quite apart from imperfect vouching by persons who were not on the lists of electors for the polling divisions wherein they vouched, and hence not qualified to vouch, there were 68 voters, sufficient to affect the result of the election, not vouched for at all. There were 188 vouched for by persons not qualified as vouchers. If the vouching is done by an unqualified person, the result is the same as if there was no vouching. Therefore all these instances come within the penumbra of the decision in *Blanchard vs. Cole.*

The votes of the 209 persons who voted in places where they did not, on polling day, reside, are not within the purview of that decision. But it is clear, from admissions and evidence that

1. They were not on the list of voters for the polling divisions where they voted.
2. They did not, on polling day, reside in the appropriate polling divisions.
3. That, if they and their vouchers swore they did, they swore falsely.
4. That, if there were no oaths by voter or voucher, S. 46 was not complied with.

Now, assuming that all 209 voters were sworn and vouched for, it is clear that both voters and vouchers swore falsely. In respect of some 176 voters this is made doubly clear by admissions in the pleadings. Surely such votes cannot stand.

It appears to us that the propositions we have stated and the two cases we have cited dispose of the respondent's general argument that irregularities by election officials should, by reason of S. 84, be excused, and of his particular argument that the type of irregularity here complained of is not one upon which an election should be voided. Accepting all he has said as to the desirability of a liberal interpretation of franchise laws, giving full force and effect to S. 84, we still feel that this election must be voided. We do not refer to other cases cited to us because we feel that the two authorities quoted, applied to the facts, are sufficient to show that there has been an "undue election" under S. 9 of the Controverted Elections Act.

We must also reject the respondent's argument based on estoppel and acquiescence. It is true that the petitioner had agents at the polls where the irregularities occurred and that those agents did not object to the votes we have rejected. But we cannot see that this amounts to acquiescence or creates an estoppel. It is also true that, as revealed by the petitioner's examination for discovery, certain agents of his vouched for 13 persons who voted irregularly. Now if it were shown that his agents had vouched for such a large