

presumably he must since have been at to acquire the knowledge to enable him to swear that what he and the returning officer had done was illegal, he might have saved the village this litigation. It appears that at the close of the poll the ballots were counted in the regular way in presence of the agents for both parties, and the result announced to them by the returning officer as 123 for and 114 against the by-law, and 9 rejected ballots. The agents seem to have been satisfied, for they left the returning officer and poll clerk to finish their duties without waiting to have a statement drawn up or signed under sec. 359, or to seal the packets of ballots, etc., under sec. 361. By the time these ballots were counted and the result announced, it was 6 o'clock, and there were other ballots to count for the municipal election, and the hall had to be made ready for some public entertainment on that evening, and apparently considering that the more important part of the work had been done, and being left alone, it was decided to complete the other necessary formalities at the returning officer's house. So the returning officer put the ballots in the ballot box, and he and the poll clerk went to their respective homes for supper. The poll clerk joined him at about 7.20 p.m., and they went on with their work, adding up the poll book and making out the statement, etc., and after about an hour and a half the poll clerk left the house, accompanied by the returning officer. He says the latter put the spoiled ballots and rejected ballots together in one envelope, and when they went out the returning officer left the spoiled and rejected ballots, poll book, and "other forms" (which I would not take to include ballots) on his table in the house, and none of these were sealed or fastened in a package, and that the returning officer's wife and daughter and Mr. James Saver were then at the house. It does not appear how long the returning officer was absent, or that any of these three persons had access to or were ever in the room in which the papers were left. With regard to the spoiled ballots, there is no other reference to the fact that there were any, and I would conclude from the papers that what the poll clerk calls the spoiled ballots was a single ballot which the County Judge certifies he found with the rejected ballots, and was shewn to him to be a ballot given to a person not on the list and which had not been counted. The poll clerk himself speaks of such a ballot and says it had not been put in the ballot box. The returning officer may not unreasonably have thought it should not be put in the