

ings in that case leads me to think that that was not the ruling of the learned Judges, and that, if it had appeared that the numbers which had been put on the back of the ballot papers corresponded with those which were set opposite to the voters' names either in the voters' list or in the poll book, the ballot papers would have been rejected.

It was argued by Mr. Aylesworth that in all the cases in which ballot papers had been rejected because of their being numbered, the number placed on the ballot paper corresponded with that which appeared in the voters' list opposite to the voter's name. I have already pointed out that that was not so in the Russell case, but, even if it were, as Mr. Aylesworth contended, I am unable to discover any reason for rejecting the ballot paper in such a case, which does not apply where the number on the ballot corresponds with that which appears opposite to the voter's name in the poll book. The poll book is, of course, open to the view of the deputy returning officer and the poll clerk, and there is nothing to prevent the agents of the candidates from examining it, if, indeed, they are not entitled to do so, and therefore nothing to prevent any of those persons from ascertaining both the number on the poll book and that on the ballot paper, and in that way discovering the identity of the voter, and so the intended secrecy of the ballot may be violated.

Where the numbered ballot is in use, for the very purpose of guarding against the possibility of the voter being identified, careful provision is made that in counting the ballot papers the number which is on the back of the ballot paper shall not be seen by those who are present when the counting takes place.

The provision in this respect of the Ontario Act, sec. 17, sub-sec. 1, is that the deputy returning officer "shall examine the ballot papers, keeping them with their printed faces upwards, and shall take all proper precautions for preventing any person from seeing the numbers printed on the back of the paper," and a similar provision was contained in the English Act of 1872 (35 & 36 Vict. ch. 33), schedule 1, sec. 33. See also sec. 30 of the Ontario Act, and sec. 4 of the English Act.

On the other hand, in the Dominion Act, sec. 80 (1), it is provided that the deputy returning officer "shall open the ballot box and proceed to count the number of votes given for each candidate, giving full opportunity to those present to examine each ballot."