

But if on examination there is no reason to assume that all the ballots are not there, the difficulty might be met by certifying, with the result of the re-count, the state in which the ballots were found when examined by the Judge.

On receipt of the certificate, the Returning Officer (under Sec. 61 of Act 1874) shall make a report of the proceedings, in which report he shall make any observation he may think proper as to the state of the ballot-boxes or ballot-papers, as received by him. This report could bring up all the points arising in this re-count.

On a petition against the return of either candidate, all those alleged objections could, I presume, be discussed and settled.

I am not pronouncing any judgment or direction to either the learned Judge or the Returning Officer, but as I assume that these gentlemen equally desire to discharge their duty as fairly and legally as possible, I think it right to state how the matter strikes me on the materials before me.

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GUELPH, 30th November, 1878.

SIR,—In proceeding to open the ballot boxes on the day named in my proclamation for the purpose in relation to the election for the Centre Riding of Wellington, I discovered that all the ballots of one polling sub-division had been enclosed in one envelope.

In view of this irregularity, and on learning that there was a disposition on the part of the defeated candidate to apply for a re-count, I thought it prudent, under the circumstances, to leave all the ballots and papers in their respective boxes, that the Judge might see how they were, and when I received his order, I brought the boxes in this state before him. I have already had the honor of reporting to you the reason of the delay in the re-count.

In consequence of having taken this course, I am unable to make out my account, as the papers necessary for the purpose are in the possession of the Judge, and as parties having claims for printing, horse hire, making out voters lists, &c., are pressing for payment, I write to know if you would kindly oblige me with, say \$150, on account. This sum, or even less, will enable me to keep matters in shape without laying out my own private funds until I will be in a position to submit my account in full.

It is probable that in the course of a short time the re-count will be proceeded with and finally closed.

Yours truly,

(Signed) J. P. MACMILLAN,

R. POPE, Esq.,  
Clerk of the Crown in Chancery,  
Ottawa.

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GUELPH, 3rd December, 1878.

SIR,—As I mentioned in a former letter to you, in relation to the re-count in the Centre Riding election, an arrangement had been made between the parties to waive certain objections offered to the proceedings and to allow the matter to go on to completion. It appears that subsequently a misunderstanding arose, and consequently it was brought to an abrupt termination.

In accordance with a notice received from His Honor Judge Chadwick, I attended at his Chambers at three o'clock yesterday, when he informed me that he had made up his mind to certify that he could not re-count the ballots. He furnished me with a certificate, a copy of which I have the honor to herewith enclose you.

In reading the Act I regret to say that I do not see my way clear, except in accordance with this certificate, see Sub. section 4, of Sec. 67, "Instructions to Return-