

Judge to
decide as to
right to vote.

in the ordinary manner has been concluded, (a) to hear evidence under oath, and upon such evidence to decide as part of the recount proceedings, as to the right of each person whose ballot was polled within an envelope to vote at the election within the polling division to which the envelope relates, and, (b) to count as if polled in the ordinary manner the ballots polled in envelopes of all persons whom he shall decide to have been entitled to vote within such polling division. In recount proceedings, it shall be *prima facie* presumed that any person to whom an enumerator has refused to issue a certificate of such person's right to vote in a polling division was not entitled to vote therein, and that any person whose name appears on the voters' list of a polling division was entitled to vote therein, and, in the absence of any or of sufficient contrary evidence, the judge shall decide and shall deal with the envelopes which contain the ballots of such persons and with such ballots in accordance with such presumptions. Only the envelopes which contain the ballots of persons decided to have been entitled to so vote shall be opened, and this shall be done by the judge, who shall deposit in a ballot-box all the ballots found in such envelopes as he may open and they shall be examined and counted only as withdrawn from such ballot-box. The unopened envelopes shall be re-delivered to the returning officer, who, preserving them unopened, shall deal with them as with all other election documents.

Envelopes
opened by
Judge, and
ballots
deposited
in box.

Challenge on
ground of
non-
qualification
or dis-
qualification.

"(4) Any candidate or his agent, present at a polling station, may, in the following manner and with the following set forth consequences, challenge on the ground of non-qualification or disqualification the right of any person to vote at the election whose name has been placed on the list of voters of the polling division by or upon the certificate of an enumerator. In the provinces of Quebec, Ontario and New Brunswick, such right of challenge shall apply only as against such persons as, pursuant to section 65A, the enumerator shall have added to the basis list mentioned in paragraphs one and two of said section, and to all persons on the lists of voters in the municipally unorganized districts of the province of Ontario, to vote at the election. The challenge shall be made before the person has received a ballot paper, and when made the deputy returning officer shall put to the candidate or agent making it an oath substantially in the form W-4 in the Schedule, which oath shall, according to the nature of the challenge made, state the particular ground or grounds of the non-qualification or disqualification relied on. The deputy returning officer shall thereupon mark opposite the intending voter's name in the poll book the word "challenged," deliver to such intended voter a ballot paper and permit him to mark it in the ordinary manner, but when it is