

avoid the election, as he saw no ground for thinking that the result would have been different if the irregularities complained of had not occurred. As he says, "the thing to be obtained is a fair election, substantially according to law, and if this appear to have taken place, resulting in a majority to some one or more of the candidates, that result should not be disturbed merely because some officer or person has disregarded or neglected some direction of the statute deemed necessary by the legislature to secure a proper election." And again: "Officers and others who violate the directions of such an Act are liable to be punished in the manner the Act prescribes, but in the absence of some express declaration, it would be manifestly inconvenient and unjust to set aside the election for the mere irregularity or misconduct of the officers or others than the candidates concerned in the election." In numerous other cases similar remarks have been made by Courts and Judges. In *Re Pickett and Township of Wainfleet*, 28 O. R. 464, Mr. Justice Osler says (p. 468): "Everything was conducted in the loosest way and with a disregard of the plain directions of the Act which is surprising. Had there been nothing else, it is possible that the election might have been upheld under sec. 175" (corresponding to sec. 204 of the present Act), "even as against those I have noted." In that case he set aside a by-law repealing a local option by-law, but apparently only on the ground of absence of proper notices to the public. In this present case there is the presence of the two extra agents at the counting of the ballots. They had made the declaration as to secrecy. There is no suggestion of anything having occurred which in any way affected the result, and I see no reason to interfere with the actual decision of the election previously given, merely because these two persons were present at its ascertainment.

The 8th and last class of objections covers several acts of omission and commission by the returning officer. They mostly are sought to be made out by the poll clerk, who has made 3 affidavits for the applicants to prove breaches of the law to which he was himself a party. He light-heartedly swears that the voting was conducted in a loose, irregular, improper, and illegal manner, and that the returning officer at the close of the poll did not perform the duties required of him, but he does not hint that he or any one else suggested anything better. If, before assuming the duties of poll clerk, he had taken a small part of the pains which