

# The Ontario Weekly Notes

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## APPELLATE DIVISION.

MEREDITH, C.J.O.

JULY 24TH, 1914.

RE EAST LAMBTON PROVINCIAL ELECTION.

MARTYN v. McCORMICK.

*Parliamentary Elections—Ballots—Counterfoils with Numbers Attached—Mistake of Deputy Returning Officer—Ontario Election Act, sec. 108—Construction—Saving Validity of Ballots—Ballots Improperly Marked by Voters.*

An appeal by John B. Martyn, one of the candidates at the election, from the decision of the Judge of the County Court of the County of Lambton, upon a recount of the ballots cast at the election, the effect of which was, that Robert John McCormick, the other candidate, had the majority of votes.

The learned County Court Judge rejected three ballots marked for the appellant with a single line, one ballot marked with a cross low down, one with two words upon it, and certain ballots cast at the Thedford polling subdivision where the deputy returning officer had given out the ballots with the counterfoils attached and numbers on the counterfoils, and had deposited them in the ballot box in that condition.

E. Bristol, K.C., W. H. Price, and F. W. Willson, for the appellant.

R. I. Towers, for the respondent.

MEREDITH, C.J.O.:—I do not think anything would be gained by further consideration of this case. Mr. Towers has very ably argued it, and it is to be borne in mind that a decision here against the respondent will not prevent the question of the validity of these ballots being raised on an election trial.