

ELECTION CASES.

MacLennan, J.A.] IN RE LENNOX ELECTION—PROVINCIAL. [July 2.

*Elections—Provincial—Marking of ballot papers—Identification of voter—
R.S.O. 1897, c. 9, ss. 112 (4) 124, 126.*

A County Court Judge is not confined, on a recount, to the consideration of cases in which an objection was made before the Deputy Returning Officer when counting the votes at the close of the poll.

When a ballot was marked with a cross outside, but near the upper line of the top division,

Held, that it should be allowed. It is not essential to have a line on a ballot paper at all. Similarly all votes below the lower division must be counted for the candidate whose name is in it.

Where a ballot was marked with a circle, not a cross, nor any apparent attempt to make a cross,

Held, bad.

Where a ballot was well marked for one candidate, but in the other candidate's division there was an irregular, shapeless pencil mark, which was not, however, a cross or any attempt to make a cross, not a mark by which the voter could be identified,

Held, a good vote for the candidate for whom the paper was well marked.

Where a ballot, though well marked, had in the same division the initials S.A. in small but legible capitals,

Held, bad. Any written word or name upon a ballot, presumably written by the voter, ought to vitiate the vote as being a means by which he may be identified.

Where ballot papers had a cross or crosses in the division of both candidates,

Held, bad.

S. H. Blake, K.C., W. D. McPherson, K.C., and E. G. Porter, for Carscallen. Watson, K.C., and J. Grayson Smith, for Madole.

Osler, J.A.] IN RE HALTON ELECTION—PROVINCIAL. [July 14.

Parliamentary elections—Recount of ballots.

Upon the recount of ballots cast at the election of a member for the Ontario Legislature, there being two candidates, ballots were allowed which were marked (1) with a cross below and to the right of the lower compartment; (2) with a cross in one compartment and a line in the other; (3) with a cross in one compartment and a faint and probably unintentional mark in the other; (4) with a mark in the form somewhat of an inverted V, as being probably intended for a cross; (5) with three crosses in one compartment; and (6) with a mark which might fairly be