

No. 4, Trafalgar, ballot 4380, marked with a clear cross on the right of the margin below the lower line of Nixon's compartment, as defined by lines on the ballot paper. This was rejected by the County Court Judge, but is claimed for Nixon. I think, having regard to the recent decision of MacLennan, J.A., in the Lennox case, *supra*, that the ballot should be counted for Nixon. I allow the appeal as to this.

No. 3, Trafalgar, ballot 4619, allowed by deputy returning officer for Nixon, but rejected by the County Court Judge, on the ground that it is clearly marked for both candidates. The upper cross in Barber's compartment is fainter than the one in Nixon's, but it is an unmistakable intentional cross. I think that the County Court Judge was right. I dismiss appeal as to this.

No. 3, Nassagaweya, ballot 2527, marked with a circle, naught, in Barber's compartment and a deformed circle in Nixon's. Treated by the deputy returning officer and County Court Judge as a spoiled one, not marked with a cross in Nixon's compartment. I think this was a spoiled ballot. I dismiss appeal as to this.

No. 6, Esquesing, ballot 1015, and No. 3, Trafalgar, ballot 4717, marked with a cross in Barber's compartment and a line in Nixon's. This was counted by County Court Judge for Barber. The Judge below was right. I dismiss appeal as to this.

On the candidate Barber's appeal:—No. 3, Trafalgar, ballot 4596, and No. 5, Trafalgar, ballot 5044, counted by County Court Judge for Nixon. Barber's appeal dismissed.

No. 1, Acton, ballot 1585, marked with a clear cross for Nixon and so allowed by County Court Judge. There is a faint mark in the upper or Barber's compartment which is said to be a cross, and to have the effect of spoiling the ballot. I think that the mark has every appearance of being an inadvertent one. I dismiss appeal as to this.

No. 3, Esquesing, ballot 449, allowed by the County Court Judge for Nixon. There are two plain strokes united at the top and forming an inverted V plainly, though not very widely apart at the bottom. I think that enough appeared to shew that the voter meant to make a cross and not a single straight stroke. I dismiss appeal.

No. 3, Esquesing, ballot 413, allowed by the deputy returning officer and County Court Judge for Nixon, marked with three clear crosses in a line for Nixon. This is a good ballot. I dismiss appeal as to it. Monck Case, H. E. C. 735, and Bothwell Case, 8 S. C. R. 718, 719, followed.