

The Daily Examiner.

"This is true Liberty, when Free-born Men having to advise the Public, may speak free."—EPIGRAMS.

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NEW SERIES.

CHARLOTTETOWN, PRINCE EDWARD ISLAND, THURSDAY, JULY 13, 1882.

VOL. 11.—NO. 44.

THE DAILY EXAMINER

IS ISSUED EVERY EVENING,
BY THE EXAMINER PUBLISHING COMPANY,
FROM THEIR OFFICE, CORNER OF WATER
AND GREAT GEORGE STREETS,
Charlottetown, P. E. Island.

RATES OF SUBSCRIPTION:
Six Months, \$2 50
Three Months, 1 25
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Advertising at most moderate rates.
Contracts may be made for monthly,
quarterly, half yearly or yearly advertise-
ments, on application.

ALMANAC FOR JULY, 1882.

MOON'S CHANGES.
Full Moon 1st day, 1h. 56m. a. m., N.
(below horizon).
Third Quarter 7th day, 5h. 38m., p. m., N.
(below horizon).
New Moon 15th day, 2h. 49m. a. m., S. W.
First Quarter, 23rd day, 6h. 5m. a. m., N.
(below horizon).
Full Moon, 30th day, 9h. 49m. a. m., N. W.
(below horizon).

DAY OF WEEK	Sun	Sun	Moon	High	Days
M	ris	sets	ris	water	len'th.
1 Saturday	4 18	7 48	8 4	10 43	15 27
2 Sunday	19	49	8 40	11 26	
3 Monday	19	49	9 14	11 8	
4 Tuesday	20	48	9 44	10 49	
5 Wednesday	21	48	10 19	11 31	
6 Thursday	21	47	10 41	12 28	
7 Friday	22	47	11 11	1 31	
8 Saturday	22	47	11 45	2 29	15 19
9 Sunday	24	46	12 09	3 41	
10 Monday	24	46	0 23	7 1	
11 Tuesday	25	45	1 6	8 8	
12 Wednesday	26	45	1 57	9 0	
13 Thursday	27	44	2 53	9 45	
14 Friday	28	43	3 54	10 25	
15 Saturday	29	42	4 56	11 2	15 08
16 Sunday	30	42	5 59	11 35	
17 Monday	31	41	7 1	12 08	
18 Tuesday	32	40	8 3	0 8	
19 Wednesday	33	39	9 31	0 39	
20 Thursday	34	38	10 4	1 11	
21 Friday	35	37	10 56	1 45	
22 Saturday	36	36	11 4	2 25	14 54
23 Sunday	37	35	1 6	3 10	
24 Monday	38	34	2 8	4 10	
25 Tuesday	39	33	3 10	5 26	
26 Wednesday	40	32	4 9	6 46	
27 Thursday	42	31	5 3	7 55	
28 Friday	43	30	5 52	8 53	
29 Saturday	44	29	6 34	9 43	14 12
30 Sunday	45	28	7 10	10 29	
31 Monday	4 46	26	7 43	11 10	

L. ARTHUR & CO.,

General Commission Merchants
Particular attention given to the sale
of Island produce.
121 Atlantic Avenue & 20 Essex Avenue,
BOSTON, MASS.
May 27, 1882—wky

Bank of Nova Scotia.

ESTABLISHED 1832.
Paid Up Capital . . . \$1,000,000
Reserve Fund . . . 325,000

An Agency of this Bank will be opened on
Monday next, 19th inst., in the building
lately occupied by the Bank of Prince Edward
Island, under the management of the under-
signed.
Deposits will be received on interest, and
on current account.
Drafts granted on the various Agencies and
correspondents of the Bank.
Sterling and other Exchange bought and
sold, and general banking business transacted.
D. C. CHALMERS,
Ch'town, June 17, 1882—M Agent.

EDWARD T. RUSSELL & CO.,

Commission Merchants,
213 STATE STREET
BOSTON, MASS.
May 19, 1882—6m

INSURANCE OFFICE.

Queen Insurance Company,
OF ENGLAND.
CAPITAL, TEN MILLION DOLLARS.

City of London Fire Insur-

ance Company.
CAPITAL, TEN MILLION DOLLARS.
Insurance effected on all kinds of property
at current rates. Losses settled promptly
and equitably.
F. KENNEDY,
General Agent.
Office—South Side, Queen Square.
Ch'town, Feb. 3 1882.

PROFESSIONAL CARD.

PALMER & MULLALLY
ATTORNEYS-AT-LAW.
NOTARIES PUBLIC, &c.

OFFICE—O'Halloran's Building, Great
George Street, Charlottetown, P. E. Island.
H. V. PALMER. JAS. W. MULLALLY.
April 10, 1882.

SUBSCRIBE for the DAILY EXAMINER,
the Cheapest and most Newsy Paper
Published in P. E. Island.

"CITY STEAM BAKERY."

FOR LONDON. Queens County Election.
THE proprietor of this Establishment, owing to the increased
demand for his Goods, has added new facilities to his
Bakery, consisting of the latest and most improved machinery,
etc., and is now prepared to supply the trade with

Hard Bread, Plain and Fancy Biscuits, &c.,
AT THE SHORTEST NOTICE.

1000 lbs. CHOICE CONFECTIONERY

To arrive per Steamship "Miramichi," from Montreal.
Orders by mail promptly executed.

J QUIRK,
Prince Street, Charlottetown, P. E. Island

GREAT CLOSING UP AT 83 QUEEN STREET.

GREAT BARGAINS in Dress Goods,
Tweeds, Wineys, Silks, Curtains, and all
kinds of Staple and Fancy DRY GOODS.
Come early and secure Bargains.

N. B.—Customers will please not ask
credit, as sales are for cash only; hence
bargains. Parties owing accounts will
please call and settle without delay.

D. A. BRUCE,

MERCHANT TAILOR,

Is now offering Cash Buyers the BEST VALUE that
can be had in the market, in

Broadcloth, Worsted, Scotch and Canadian
Tweed Suits.

A magnificent range of

GENTS' FURNISHINGS,

AMERICAN WHITE & COLORED SHIRTS

Collars, Ties, Underclothing, English and American Hats.

Our Readymade Clothing is Manufactured on the Premises,

fashionably cut, well sewed, and having good trimmings,

Will be sold as Cheap as Imported.

We invite you to inspect our Goods.

D. A. BRUCE,
Charlottetown, May 22, '82.

For Scotch and English Tweeds or Worsted Suits

For Canadian Tweed Suits.

For Overcoats of all Descriptions,

—GO TO—

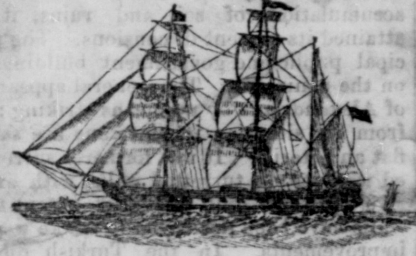
JOHN MACLEOD & CO'S,

UPPER QUEEN STREET,
TWO DOORS ABOVE APOTHECARIES HALL CORNER

There you will find the largest and best assortment of Cloths in the
Island. Prices very moderate. The best workmanship and a perfect fit
guaranteed.

A complete line of Gents' Furnishings and Felt Hats, cheap, &c. &c.
Remember the address, two doors above Apothecaries Hall Corner
Charlottetown, Oct. 11, 1881.

FOR LONDON. Queens County Election.



The Clipper Brig Alphaeta

A. NEILSON, Master.
Will be on the berth early in August, and
will sail from Charlottetown for
London, G. B.

About the 15th August Next,
providing a sufficient quantity of freight
offers, and will carry Lobsters at
very lowest rates

Shippers will please make early applica-
tion.
Warehouse receipts will be given, and
goods stored free of warehouse charges
For further particulars apply to the owners,

PEAKE BROS. & CO.
Ch'town, July 7, 1882—3aw

STR. SOUTHPORT.

WEST RIVER,
FROM PRINCE ST. WHARF.

WILL LEAVE CHARLOTTETOWN
EVERY MONDAY, at 5.30 p. m., for
Shaw's Wharf, returning at 7 a. m., calling at
Westville and Rocky Point (when tide per-
mits); returning, will leave Charlottetown
again on Monday, at 3.30 p. m., and on
Friday, at 4 p. m.

FOR EAST RIVER.

Will leave Charlottetown, at 4.30 a. m., on
Tuesday morning for Mount Stewart, return-
ing at 7 a. m., calling at Cranberry and
Hickey's Wharves. Also will leave Mt.
Stewart, on Wednesday morning, at 7 a. m.,
calling at Cranberry and Hickey's Wharves,
returning to Mount Stewart same evening;
occasionally on Tuesday mornings (when
the tide will not otherwise permit) the
Steamer will not proceed beyond Cranberry
Wharf, but will invariably leave Mount
Stewart for Charlottetown on Wednesday
mornings, returning same evening as above.
On Sundays, Steamer will leave Charlottes-
town for Rocky Point (tide permitting) at
9 a. m. and 1.15 p. m.; returning, will leave
Rocky Point at 9.30 a. m. and 1.45 p. m.
If Steamer is not on route on Sundays, sail
boat will take her place.

F. L. HASZARD.
Ch'town, June 1882—pat

"KENWITH."

Extensive Sale of Farm Lands.

I AM instructed to sell AT AUCTION, on
WEDNESDAY, July 19, commencing at
eleven o'clock, on the premises, at Kenwith,
the property of the late Hon. John Myrie
Holl situated about 5 miles from the City, on
the Malpeque Road, about six hundred acres
of Valuable Farm Lands, which, with the
Stone House, comprise the Estate known as
Kenwith. The Land has been divided as
follows:

Four Lots, each 23, 37, 41 and 41 1/2 acres,
and on the latter of which the Stone Dwelling
House and out-buildings are situated, front
on the Upper and Lower Malpeque Roads,
and together form one of the most eligible
Farms near the City.

Seven Lots of 12 1/2 to 5 1/2 acres each, front
on the Lower Malpeque Road.

Three Lots of 6, 32 and 43 acres each, ex-
tending westwardly to the North River.

This Valuable Property is beautifully
situated on high land, commanding some
charming views of the surrounding country.
Part of the Land has been under pasture for
some years, and is in splendid condition for
breeding up; the remainder is beautifully
wooded.

Terms—20 per cent. at the time of Sale,
the balance in five yearly instalments with
interest at 6 per cent.

Plan showing enclosures, &c., to be seen at
the offices of F. W. Hall's, John Ball and
William Dodd.

WILLIAM DODD,
Ch'town, July 3, '82—wky 2l

BAGNALL & ROBINS,

SURGEON DENTISTS,

NEWSON'S BUILDING,
OPP. POST OFFICE, CHARLOTTETOWN, P. E. I.
June 5, 1882—law

St. Lawrence Hotel.

The above Hotel is now RE-OPENED,
having been thoroughly repaired and
refurnished in the best style. Being centrally
situated and within three minutes walk of
the Railway Depot and Steamboats, it offers
inducements to the travelling public.

Permanent and Transient Boarders accom-
modation unsurpassed by any other Hotel in
the city.
WM. E. HICKEY,
Ch'town, Dec. 21, '81. Proprietor

THE RE-COUNT!

JUDGE ALLEY'S DECISION.

On the recount of the votes cast at the
recent Dominion Election for Queen's Co.,
I find ballot papers in the ballot boxes for
the 3rd, 15th, 16th, 24th, 34th and 37th
Districts uninitialed by the Deputy Re-
turning officers, and all the ballot papers
to be found in the boxes for the 23rd, 27th
and 33rd Districts are open to the same ob-
jection. The question presents itself on this
state of facts as to the effect of the absence
of that official's initials on these ballot
papers, and whether it becomes my duty on
that account to reject them in the recount.
The 2nd subsection of the 14th section of
the Dominion Elections Act of 1880, reads
that—

"At the time and place appointed, the
said Judge shall proceed to recount all the
votes or ballot papers returned by the sev-
eral deputy returning officers, and shall, in
presence of the parties aforesaid, if they
attend, open the sealed packets contain-
ing—

- (1) The used ballot papers which have
been counted.
- (2) The rejected ballot papers.
- (3) The spoiled ballot papers; and no
other ballot papers.

By the 4th subsection of the 14th section
of the same Act it is provided that the
judge shall proceed to recount the vote, ac-
cording to the rules set forth in Section 55
of the Dominion Elections Act, 1874, as
heretofore amended, and shall verify or cor-
rect the ballot paper account and state-
ment of the number of votes given for
each candidate." The 55th Section, regu-
lating the mode of procedure to be followed
by the Deputy Returning Officer of each
district on the first count of the votes
provides that "he shall open the
ballot box and proceed to count the
number of votes given for each
candidate. In doing so he shall reject all
ballot papers which have not been supplied
by the Deputy Returning Officer, all those
by which votes have been given for more
candidates than are to be elected, and all
those upon which there is any writing or
marks by which the voter can be identified.
These, then, are the rules by which the
judge is to be governed in recounting the
vote. He is required, under the Act, to
determine whether or not the ballots have
been supplied by the Deputy Returning
Officer, and on arriving at a conclusion on
this subject, he is not allowed to receive
any extrinsic or other evidence beyond what
the Act itself provides. Let us then con-
sider what process is pointed out by the
Act for determining this question, and for
this purpose reference must be made to the
43rd, 44th and 45th sections of the Domini-
on Elections Act of 1874, the first and
last of which have been amended by the
Act of 1878. The parts of these sections
material to this enquiry read as follows:—

Section 43, as amended—Each elector
being introduced, one of a time for each
compartment, into the room where the
poll is held, shall declare his name, sur-
name, and addition, which shall be entered
or recorded in the voters' list, to be kept
for that purpose by the Poll Clerk, and if
the same be found in the list of electors for
the polling district of such polling station
he shall receive from the Deputy Returning
Officer, a ballot paper on the back of
which such Deputy Returning Officer
shall have previously put his initials
so placed that when the ballot is
folded they can be seen without opening
it, and on the counterfoil to which he shall
have placed a number corresponding to that
opposite the voters name on the voters list.
Provided that such elector, if required by
the Deputy Returning Officer, the Poll
Clerk, one of the Candidates or one of
their Agents or by any elector present,
shall before recording his ballot take the
oath or oaths of qualification required by
the laws in force in the Province where
the election is held from a voter at the election
of a member of the House of Assembly of
that Province, etc.

Section 44 of the Act of 1874 reads:
"If there be any Electoral District in, or
or for which the election law of the Province
where such District is situate, does not
require lists of votes to be made to entitle
them to vote then, and in such case any
elector claiming his ballot paper shall
declare his name, surname, addition and
qualification, which shall be entered on a
list kept for the purpose by the poll clerk
and before recording his ballot paper, such
elector may be required by the Deputy
Returning Officer, the Poll Clerk, one of
the Candidates or one of their Agents or by
any elector present, to take the oath of
qualification required by the law in force
in such province from a voter at the election
of a Member of the House of Assembly,
etc."

The 45th section as amended reads:—
"The elector on recording his ballot
paper shall forthwith proceed into one of
the compartments of the polling station and
there mark his ballot paper making a cross
with a pencil on any part of the
ballot paper within the divisions, contain-
ing the names of the candidates for whom
he intends to vote and shall then fold up
such ballot paper so that the initials on the
back can be seen without opening it, and
hand it to the Deputy Returning Officer,
who shall without unfolding it ascertain by
examining his initials and the number on the
counterfoil that it is the same that he fur-
nished the elector, and shall first detach
and destroy the counterfoil, and shall then
immediately and in the presence of the
elector place the ballot paper in the ballot
box."

Under sub-section 2 of the 14th section
of the Act of 1878, this judge in his recount

is directed to open the sealed packets con-
taining—

- (1) The used ballot papers which have
been counted.
- (2) The rejected ballot papers.
- (3) The spoiled ballot papers and no
other ballot papers.

Beyond these no other means or ma-
chinery is provided to enable him to ascer-
tain whether the ballots have been sup-
plied by the Deputy Returning Officer.
He is not authorized under the Act to go
outside of the ballot papers for evidence of
their authenticity; and from a personal ex-
amination of them he is to rectify or cor-
rect the ballot paper account or statement
of the votes given to each candidate. He
is to determine upon the acceptance or re-
jection of the votes by the process pointed
out by the Act. Adopting the language
of one of the English judges,
"It might appear to some minds
that other processes might be more
satisfactory; but the Legislature has as-
signed the process by which the conclusion
is to be arrived at." He is to reject such as
have not been supplied by the Deputy
Returning Officer, and the only evidence
the Act provides that they have been so
supplied by the Deputy Returning officer
which he is authorized to use is the evidence
the ballots themselves afford, viz: the
initials of the Deputy Returning Officer
required under the 43rd and 45th sections
as the means of their identification. On
this point special reference is made to the
words of the 45th section which I have last
italicized. The counterfoil having been de-
stroyed, the only means of identification re-
maining to the County Judge are the initials
of the Deputy Returning Officer. The fact that
the ballot papers are in the printed form
prescribed by law and found in the ballot
box—even in cases when by counting them
the number of votes is found to correspond
with the number set forth in the Deputy
Returning Officer's statement establishes no
prima facie presumption that they have
been supplied by him, as neither of these
facts negative the presumption arising from
the absence of his initials that they have
been placed in the ballot box after having
been marked outside the polling station in
violation of the Act and of the secrecy of
the ballot.

It will be seen that the 43rd and 44th
sections are intended to provide for two
classes of cases, namely: Cases where a
registration law is in force, and cases where
no such law exists, and it is contended
that as no express reference is made to
initialing the ballots in the 44th section,
such initials are not required in Electoral
Districts in which the Election Law of the
Province where such District is situate,
does not require lists of voters to be made
to entitle them to vote. Under the original
wording of the 43rd and 45th sections of
the Act of 1874, there was some ground
for this contention, and the amendments
made by these sections by the Act of 1878
render it difficult to give them a construc-
tion which will make the 43rd, 44th, and
45th sections harmonize with each other. I
have experienced some difficulty in arriving
at a conclusion upon this point satisfactory
to my own mind, but after a careful ex-
amination of the three sections as they now
stand, I hold that it is equally necessary
that the ballot paper should bear the
Deputy Returning Officer's initials where
registration does not exist, as it is where
registration law is in force.

The 44th section must be read and con-
strued in conjunction with the sections
immediately preceding and succeeding it,
as they have been amended by the Act of
1878.

The 43rd section, intended to apply to
cases where registration prevails, provides
for recording the voter's name on a voters'
list (meaning thereby the poll book) and if
the same is on the list of electors (or regis-
tration list) he shall receive from the Deputy
Returning Officer a ballot paper, on the
back of which such Deputy Returning
Officer shall have previously put his initials,
so placed that when the ballot is folded
they can be seen without opening it, and
in the counterfoil to which he shall have
placed a number corresponding to that op-
posite the voter's name on the voters'
list (or poll book), which is required under
the Act to be numbered, as will appear by
reference to the scheduled form O. The
Act provides no exceptional mode of vot-
ing in the absence of registration.

The 44th section, applicable to cases
where registration does not exist, is fol-
lowed by the amended 45th section, which
regulates the manner of voting, under all
circumstances. This section, after pre-
scribing the way in which the elector shall
mark the ballot, provides that he
shall then fold up such ballot
paper so that the initials on the
back can be seen without opening
it and hand it to the Deputy Re-
turning Officer, who shall, without unfolding it,
ascertain by examining his initials and the
number on the counterfoil, that it is the
same that he furnished to the elector, and
shall first detach and destroy the counter-
foil, and shall then immediately, and in
the presence of the elector, place the ballot
papers in the ballot box.

This section as originally passed in 1874,
did not refer to initialing the ballots, and
as it then stood was consistent with the
construction that such initials were un-
necessary under the 44th section in provi-
nces where registration did not exist.
Under the Act of 1874 the ballot had in
all cases to be enclosed in envelopes. But
four years afterwards in 1878 the Legisla-
ture abolished the envelope system, and
amended the 43rd section, by providing
that the Deputy Returning Officer in initial-
ing the ballot shall also number the
counterfoil with a number corresponding
to that on the voters list (or poll book),
and the 45th section by providing that in
all cases of voting the ballot papers shall
be so folded that the initials on the back
can be seen without opening it, thus
adapting the mode of voting to
suit all classes of voters whether
registered or not. Reviewing, then, the