

This is, of course, irregular, but it could not affect the result of the election, and could not affect the right of any voter to vote.

Objection 19 is not pressed.

Objection 20. Unauthorised persons were allowed to be present when electors were voting. This is covered by *Re Ellis and Town of Renfrew*.

Objection 21 is not pressed, nor is objection 22.

An objection was taken to the by-law in the matter of fixing the time for appointing agents, etc. The statute provides, sec. 341, that "the council shall by the by-law fix . . . a time and place for the appointment of persons to attend at the various polling places. . . ." This was done, and a time and place fixed, but it is said that at the time so fixed the head of the municipality did not so appoint. . . .

[Reference to *Re Kerr and Town of Thornbury*, 8 O. W. R. 451; *Re Bell and Township of Elma*, 13 O. L. R. 80.]

I do not think that, granting that sec. 341 is obligatory, and cannot be cured by sec. 204, the same rule must apply to sec. 342. The latter, in my view, may well be considered a provision "as to the taking of the poll" and so covered by sec. 204; whereas sec. 341 is not. . . . I am of opinion that, if the provisions of sec. 204 would otherwise be effective, the fact that sec. 342 was not lived up to (if this be a fact) does not exclude the operation of sec. 204.

Notwithstanding the several irregularities, I am unable to say that the learned Chief Justice is wrong in holding that sec. 204 is effective in saving the by-law.

Appeal dismissed with costs.

FALCONBRIDGE, C.J., and BRITTON, J., agreed that the appeal should be dismissed with costs.

DIVISIONAL COURT.

JULY 2ND, 1910.

* REX v. FARRELL.

Liquor License Act—Magistrate's Conviction for Selling Liquor to Minor—7 Edw. VII. ch. 46, sec. 8—Appeal to County Court Judge—Trial de Novo—Absence of Evidence that Person Supplied Apparently a Minor—Knowledge of Accused—Conviction Quashed.

Appeal by the License Inspector of the north riding of the county of Oxford, by virtue of a certificate given by the Attorney-

* This case will be reported in the Ontario Law Reports.