

shewn that persons who signed the petition as presumably of the trade or business whose shops the by-law was designed to close, were not as a matter of fact of such trade or business.

In this case where the by-law was for the early closing of grocer shops, it was proved on the motion to quash that a number of the names in the petition were not of the requisite class, and that after striking off the names of such persons, there was not the three-fourth majority required by the Act, that the by-law therefore could not be supported, and must be quashed.

*Semble*, 1. The time specified under the Act for the final passing of the by-law, namely one month after the presentation of the petition is merely directory, and therefore the fact of the passing of the by-law after the lapse of such period is not necessarily fatal.

2. Under this Act the petitioners have the right of withdrawal before the final passing of the by-law, it being different from a petition for a local improvement or drainage by-law, where property is to be benefited by an expenditure of money and to be assessed, and in which there is a quasi contract.

*R. S. Code*, for applicant. *T. McVeity*, for City of Ottawa.

Riddell, J.]

[May 25.

IN RE ARMOUR AND TOWNSHIP OF ONONDAGO.

*Municipal corporations—Local option by-law—Mode of computing three-fifths majority—Qualification of voters—Finality of roll—Subsequent disqualifications—Deputy returning officers—Right to vote—Indian reserve—Necessity for exclusion from by-law—Designation of newspaper—Three weeks—Computation of—Inclusive of Sundays and holidays—Irregularities in meetings of council—Illegality in election of members—Scrutiny—Non-statement of on face of by-law.*

The proper mode of dealing with votes improperly cast on the submission of a local option by-law under 6 Edw. VII. c. 47(o) is to deduct them from the total number cast, and take two-thirds of the remainder.

The Court will not, under s. 89 of 3 Edw. VII. c. 19(o), enquire into the qualification of those entered on the voters list. *Reg. ex rel. McKenzie v. Martin* (1897) 28 O.R. 523 followed.

Objection to the following votes by reason of what had taken