

OCTOBER 6TH, 1906.

DIVISIONAL COURT.

RE GEROW AND TOWNSHIP OF PICKERING.

Municipal Corporations—Local Option By-law — Submission to Electors — Voting by Non-resident Tenants—Majority Procured by Bribery—Treating—Supporter of By-law Acting from Personal Motives—Extent of Treating—Influence upon Majority.

Appeal by the township corporation from order of MEREDITH, C.J., in Weekly Court, quashing by-law No. 871, being a local option by-law, of the township of Pickering, which was approved by the electors by a majority of 205 in a vote of more than 1,200.

The appeal was heard by FALCONBRIDGE, C.J., BRITTON, J., CLUTE, J.

J. E. Farewell, K.C., and J. M. Godfrey, for the corporation.

E. E. A. DuVernet, for the applicant Gerow.

FALCONBRIDGE, C.J.:—The original notice of motion sets forth 12 grounds of objection to the by-law. All of these, save one, were technical in their nature, and Meredith, C.J., properly refused to give effect to any of them. He, however, thought that one branch of them was somewhat serious. It was alleged that a large number of tenants who were non-residents, and therefore not entitled to vote, cast their ballots. The evidence, he remarked, was not very satisfactory on this point, and it now appears that there were only 4 persons so disqualified who voted at this election, and we give the township leave to file the certificate of the clerk to this effect.

There remains, therefore, only one ground of objection to be considered in the present appeal, viz.: "10. The majority of the votes for the by-law was procured by bribery, corruption, and undue influence practised on the electors at said