

MEREDITH, C.J.

MAY 2ND, 1907.

DIVISIONAL COURT.

JUNE 11TH, 1907.

WEEKLY COURT.

DIVISIONAL COURT.

RE WYNN AND VILLAGE OF WESTON.

*Municipal Corporations—Local Option By-law—Approval of Electors—Voters' Lists — Persons Entitled to Vote—Polling Places — Statutory Declarations of Secrecy—Municipal Act, 1903, secs. 348, 368.*

Motion to quash a local option by-law.

J. Haverson, K.C., for the applicant.

H. E. Irwin, K.C., for the village corporation.

MEREDITH, C.J., held that, on a proper interpretation of sec. 348 of the Consolidated Municipal Act, 1903, the clerk of the municipality was justified in treating as included in the list of voters therein referred to, persons found by the County Court Judge, upon revising the voters' list of the municipality, to be entitled to vote.

Also, that the provisions of sec. 36 of the Act, requiring a statutory declaration of secrecy to be made by every officer and clerk authorized to attend at a polling place, is directory only, and that the failure of the officers to comply with its requirements does not invalidate the election.

Also, that it is competent for the council not to hold a poll in each subdivision of the municipality, if thought expedient.

An appeal from this decision was dismissed by a Divisional Court (MULOCK, C.J., ANGLIN, J., RIDDELL, J.).