

William Clegg, deputy returning officer of No. 1, received a certificate from the clerk of the town that he was entitled to vote, and voted accordingly. I held in *Re Armour and Township of Onondaga* that a deputy returning officer has no right to vote upon such a by-law, and I adhere to that opinion. But this does not affect the result of the voting.

Objection 14 is not pressed.

Objection 15, a second ballot illegally used to continue voting—not now urged.

Objection 16, no declarations of secrecy. This is shewn to be unfounded unless it be considered that there must be a separate voting, etc., for the by-law, and this has already been dealt with.

Objection 17, a worthless form of oath furnished the deputy returning officer; but this was the statutory form before 5 Edw. VII. ch. 34, sec. 11; and no one can be deprived of his vote because the proper oath has not been administered to him. It might be different if it were shewn that the voters were citizens or subjects of a foreign power.

Passing over objection 18 for the moment, objection 19 the Court below was not asked to deal with, it having been introduced that the applicant might, if so advised, take advantage of it upon appeal. The only matter now urged is that the by-law wrongly embraces the public harbour, legislative authority over which pertains to the federal Parliament.

A somewhat similar objection was raised in the *Onondaga* case and overruled—I still think rightly. The objection fails, even if, as I am far from asserting, the town cannot pass a by-law binding upon a public harbour.

Objection 18 reads: "That the by-law is bad on its face for not prohibiting the sale of liquor in places of public entertainment." In the written argument before Mulock, C.J., counsel says: "Objection 18 was shewn on the argument to have been raised under a misapprehension." This arose in the following manner. The applicant, Duncan, a day or two before he applied for a certified copy of the by-law, is said to have been informed by the son of the town clerk that a few of the sheets of the "*Midland Argus*," in which the by-law had been published, were left over, and that the certified copy which he would receive from the town would