and declare the result is one of the group of sections made applicable by sec. 351 to the taking of the vote upon a by-law; and I see no reason why its provisions are not as applicable and as binding as any of the others which he is bound to observe. The objection in this case was apparently not well-founded in fact, and was, upon the evidence, held not to be established; and my only reason for referring to it is that Riddell, J., seemed to be of the opinion that the matter was still in doubt upon the law.

The other objection was as to the right of the clerk to vote. This objection is, I think, well-founded by virtue of the provisions contained in sec. 179 and in sec. 365. . . . He is not entitled to vote on such a by-law . . . and the vote was properly disallowed.

Coming now to the three objections before mentioned. Upon the argument I was impressed with the contention of Mr. Douglas . . . that it is a statutory condition precedent to the right of an illiterate person to vote, that he should take the declaration required by sec. 171. Reflection, however, leads me to the conclusion that the omission is merely an irregularity in the mode of receiving the vote, and so covered by sec. 204.

[Reference to Re Port Arthur Election, 12 O.L.R. 453, distinguishing that case.]

The remaining question is as to the result of the poll and the various objections taken to the votes of persons who were allowed to vote. There had been a scrutiny by the County Court Judge, who reached certain conclusions which appear in the case, from several of which Riddell, J., dissented, although the result arrived at by both, namely, that the by-law had been carried by a sufficient majority, was the same.

I agree with Riddell, J., that, upon a motion to quash, the findings of a County Court Judge upon a scrutiny are not binding upon the High Court. . . .

One thing at least seems to be clear, namely, that the finality of the voters' list is as binding upon the the one tribunal as upon the other, for, although scrutiny only is mentioned in sec. 4 of the the Voters' Lists Act, the policy of finality is so clearly expressed that it ought also, I think, to be respected in the High Court: see Stowe v. Jolliffe, L.R. 9 C.P. 734, at p. 750.

The persons who are qualified to vote upon such a by-law as that in question are such persons, called "electors" in R.S.O. 1897 ch. 145, sec. 141, as are qualified to vote at a municipal election; and the electors of a municipality are defined by sec. 86 of the Consolidated Municipal Act, 1903. The voters' list to be used is that provided for in sec. 148.