

Two solicitors swear to directly contradictory stories: one of them must be perjuring himself; they owe it to themselves and their profession to make it clear which it is.

Again, the two clients do the same thing—the one procuring four persons to back up his story: and the one arbitrator is contradicted by the other two. This is a shocking state of affairs, and loudly calls for a thorough investigation. Sometimes local officers are loath to act; the whole mass of affidavits here should be brought at once to the attention of the Attorney-General, who is charged with the supervision of the administration of the criminal law. . . .

FALCONBRIDGE, C.J., and LATCHFORD, J., agreed in the result.

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DIVISIONAL COURT.

DECEMBER 22ND, 1911.

\*RE WEST LORNE SCRUTINY.

*Municipal Corporations—Local Option By-law—Voting on—Scrutiny—Votes of Tenants—Residence—Finality of Voters' Lists—Votes of Persons not Entitled to Vote—Effect in Computing Three-fifths Majority—Inquiry as to how Ballots Marked—Municipal Act, 1903, secs. 200, 371.*

An appeal by Damon M. Mehring from the order of MIDDLETON, J., 23 O.L.R. 598, 2 O.W.N. 1038.

The appeal was twice heard. The result of the first hearing was a disagreement of the Judges composing a Divisional Court: see ante 25.

The second hearing was before MULOCK, C.J.Ex.D., TEETZEL and CLUTE, JJ.

C. St. Clair Leitch, for the appellant.

W. E. Raney, K.C., for Dugald McPherson, the respondent.

TEETZEL, J.:—The two questions for determination upon this appeal are: (1) whether, upon a scrutiny under the Municipal Act, the County Court Judge may declare void and deduct from the result the vote of a tenant whose name was upon the certified voters' list, but who was not in fact a resident of the municipality when the list was certified, and who never afterwards became a resident therein; and (2) whether, if the County Court Judge,

\*To be reported in the Ontario Law Reports.