

ing the final count, according to his certificate, dated the 19th February, 1913, to be, for the by-law 291, against 192 (total 483).

The first and second grounds are of a general character: (1) that the by-law did not receive the necessary three-fifths majority of votes; (2) that the voting was not conducted in accordance with the Acts in question, and that persons were allowed to vote whose names did not appear upon the last revised voters' list.

The third ground is to the effect "that unauthorised names were entered upon the list of voters of the said municipality, used in voting upon the said by-law, which names had not been entered upon the said lists of voters in accordance with the provisions and requirements of sec. 17 and subsequent sections of the Ontario Voters' Lists Act."

The evidence as to the way in which the names of two men, namely, Dalglish and McQuaig, appeared upon the list of voters used at the elections, is shortly put in the judgment appealed from in this way: "Their names not appearing on the original list, an application was made to the Judge of the County Court to have them added, and they were so added by him, after which he certified to the revised list, as required by sec. 21 of the Act." He then proceeds to say: "I do not think that I am required to go behind this certificate and examine into the sufficiency of the various steps by which the Judge arrived at his results."

It does not appear that the County Court Judge held any formal Court for the purpose of adding these names to the list. The men had made a written application to the clerk to have their names added, and the clerk informed the Judge of the fact. Their names then appear to have been added. It was apparently admitted, or, at all events, not disputed, that, in any event, the two men were persons who were entitled to have their names on the list. If their votes had been disallowed, this in itself would not have affected the result, as it would be necessary to disallow at least four votes to do this. I agree, however, with Kelly, J., in his view that he was not called upon to go behind the certificate of the Judge as to the voters' list: *Re Ryan and Village of Alliston* (1910-11), 21 O.L.R. 583, affirmed 22 O.L.R. 200.

The fourth ground of objection is, "that illiterate voters were allowed to vote on the by-law without first having taken the declaration required by sec. 171 of the Consolidated Muni-