

This argument is strengthened by sec. 186. This section does not, in terms, apply to the right of a municipality to a deputy reeve, but refers to the right of a person to sit in the council, and provides that "proceedings to have the right of a person to sit in a council determined shall be had and taken under the provisions of this Part" (of the Act) "and not by quo warranto proceedings or by an action in any Court."

I reluctantly yield to the argument, and hold that neither notice nor adding the municipality as a party was necessary.

The question now is, were there more than 1,000 names of municipal electors, not counting any name a second time, on the then last revised list of voters for Arnprior. The municipal clerk said that there were. He is a man of considerable experience, and his integrity is not impeached.

A scrutiny was entered upon before the Master. It seems clear to me that for the purpose of determining the right to a deputy reeve no scrutiny is contemplated by the Act beyond that of seeing that the name of any elector is not counted more than once: sec. 51, sub-sec. 2 (*supra*). . . . "Determined" in that sub-section must mean, in the first instance at least, determined by the council. *Primâ facie* that determination shall stand. If it is wrong, the onus of shewing error must be upon the attacking party. Many sections of the Municipal Act refer to population. Population must be determined by the census or otherwise according to the interpretation clause (*n*) above cited. That may not be correct, but it must be accepted as correct for the specific purpose.

In the scrutiny before the Master, evidence was given as to tenants who had moved away from the town, persons who had died, and tenants who had changed their places of residence in the town. I reject that, and come to the count, assuming that the determination of the council, if incorrect, must be so shewn by proper evidence, and that the count must be subject to the limitation of sec. 51, sub-sec. 2.

For the purpose of my determination of the case in hand, I shall accept the relator's affidavit as to persons whose names are on for more than one polling subdivision, or whose names are on the list more than once. He finds that the list at first contained 1,098 names; 12 were struck off by the County Court Judge; leaving 1,086. From this number there must properly be struck off 86 names before the municipality can be deprived of the right to a deputy reeve. The town clerk swears to only 1,006 names; but I have no means, on the material before me, of ascertaining