

THE
ONTARIO WEEKLY REPORTER

VOL. X.

TORONTO, AUGUST 8, 1907.

No. 11

JULY 2ND, 1907.

DIVISIONAL COURT.

RE DUNCAN AND TOWN OF MIDLAND.

Municipal Corporations—Local Option By-law—Order Quashing because Third Reading and Final Passing Premature—Appeal from—Waiver by Council Purporting to Read By-law a Third Time after Notice of Appeal—Time for Finally Passing By-law—Necessity for Expiry of Two Weeks from Declaration of Result of Vote—No Necessity for Declaration—Municipal Act—Liquor License Act—Repeal of By-law—Irregularities in Voting—Voters Depositing Ballots in a Box—Publication of Notice—Time for—Constitution of Council—Knowledge of Council of Approval of Voters—Voters' Lists—Names of Voters—Deputy Returning Officers—Appointment of—Poll Clerks—Illiterate Voters—Marking of Ballots—Irregularity—Effect on Result—Curative Provision of Statute—Form of Oath for Voters—By-law not Prohibiting Sale of Liquor in Places of Public Entertainment—Immaterial Omission.

Appeal by the corporation from order of MULOCK, C.J., 9 O. W. R. 826, quashing a local option by-law passed by the town council.

The appeal was heard by FALCONBRIDGE, C.J., BRITTON, J., RIDDELL, J.

F. E. Hodgins, K.C., for township corporation.

J. B. Mackenzie, for the applicant.