

gation had ample power to appoint trustees and to determine the manner in which their successors should be appointed, and, upon this being done, the land, without conveyance, vested in the trustees so appointed.

The intention of the Legislature was, that the Religious Institutions Act should govern and control the appointment of trustees for religious institutions; and this by implication excludes the corresponding provisions of the general Trustee Act. If an order were made under the Trustee Act, doubt might be thrown upon many titles derived from proceedings under the other statute.

Order declaring that the property is now vested in the six present trustees, and that they have, under sec. 8 of the Religious Institutions Act, power to mortgage the said property.

MIDDLETON, J.

JUNE 29TH, 1915.

*RE ARTHUR AND TOWN OF MEAFORD.

Municipal Corporations—Local Option By-law—Motion to Quash—Similar By-law Submitted to Electors and not Approved—Diversity of Judicial Opinion—Motion Referred to a Divisional Court—Judicature Act, R.S.O. 1914 ch. 56, sec. 32—Irregularity in Service of Notice of Motion—Failure to File Affidavits in Time—Waiver—Solicitor's Slip—Municipal Act, R.S.O. 1914 ch. 192, sec. 286—Rules 184, 298.

Motion by W. H. Arthur to quash a local option by-law passed by the Municipal Council of the Town of Meaford on the 16th February, 1914.

W. A. J. Bell, K.C., for the applicant.

W. E. Raney, K.C., for the town corporation.

MIDDLETON, J., said that the main attack upon the by-law arose from the fact that a similar by-law had been submitted to the electorate in 1913, and failed to obtain the necessary number of votes to permit of its being passed.

Reference was made to the proceedings in an action of Overholt v. Town of Meaford, in reference to a previous by-law, to Hair v. Town of Meaford (1914), 5 O.W.N. 783, the latter being a decision of MIDDLETON, J., upon a motion for an interim injunction. In view of the diversity of judicial opinion, it ap-