

from the time it was made to apply to the territory affected by it. *Doyle v. Dufferin* . . . . . 286

The notice was published on the 6th, 13th, 20th, 23rd, 27th and 30th days of April.

3. *Quashing by-law*—"Judge," *persona designata*—*R. S. M., c. 100, s. 385*.—Section 258 of The Municipal Act, 1890, (*R. S. M., c. 100, s. 385*), provides that: "In case a resident of a Municipality, or any other person interested in a by-law, order or resolution of the Council thereof, applies to a Judge of the Court of Queen's Bench sitting in Chambers, . . . . . the Judge, after at least ten days' service on the corporation of a summons, or rule to show cause in this behalf, may quash the by-law," &c.

*Held*, that the term "Judge" in the statute is *persona designata*, and only the Judge who issued the rule or summons can hear the application on its return. *Doyle v. Dufferin* . . . . . 294

4. *Liquor License Act*—*Local option by-law*—*Quashing by-law*—*Notice of final reading*—*Hour of day*—*Publication for one month*—*Calculation of time*—*Method of procedure prescribed by statute, imperative*.—A notice published under *R. S. M. c. 90, s. 63*, of a local option by-law stated that the vote of the electors would be taken on Tuesday, the 10th day of May, 1892, and that the further consideration of the by-law after taking the vote and the final reading would be given by the Council in the Village of Treherne on the 17th day of May, A. D. 1892.

*Held*, that the notice was insufficient, as to the further consideration and final reading of the by-law, because the hour of the day was not designated,

*Held*, that the notice was not published at least one month before the vote was taken. What is required by the statute is at least one publication in each week of the month before the vote is taken, and for the purpose of reckoning weeks, it is necessary to begin with the day of the first publication, and not with the first day of an ordinary week.

*Held, also*, that the only safe course is to act on the supposition that the Legislature meant what it said when it prescribed the method of procedure, and to hold the by-law invalid if the method has not been followed. *Hall v. The Rural Municipality of South Norfolk*, 430.

#### NEW TRIAL.

Where a plaintiff in an issue under the *Real Property Act* is non-suited, a Judge has full discretion to allow or refuse a new trial.

See *REAL PROPERTY ACT*, 3.

#### NEXT FRIEND.

When a married woman presents a petition under the *Real Property Act*, if it does not clearly appear on the face of the petition that the property in question is her separate property, it is necessary for her to have a next friend appointed.

See *REAL PROPERTY ACT*, 5.

#### NON-SUIT.

Effect of non-suit in issue under *Real Property Act*.

See *REAL PROPERTY ACT*, 3, 4.