

prescribed by schedule F to the Municipal Act, is not a fatal objection to the by-law, notwithstanding the inconsistency of the two forms.

2. A few days' delay in publishing the notice of the voting on a local option by-law required by s. 66 of the Act will not be fatal, notwithstanding the section says it shall be done "as soon as possible" and the council of a rural municipality is not bound to make use of a daily newspaper published in an adjoining city because thereby the notice might be published a few days sooner.

3. A local option by-law may be given its third reading without waiting for the time for applying for a recount to elapse. *Re Coxworth and Hensall*, 17 O.L.R. 431, followed.

4. Sec. 65 of the Liquor License Act, as re-enacted by s. 4 of c. 26 of 7 & 8 Edw. VII., governs as to the time and place of the voting, superceding sub-s. (a) of s. 376 of the Municipal Act, R.S.M. 1902, c. 116, even if that section was incorporated into the Liquor License Act by the language of s. 63, as to which no opinion was expressed.

5. A delay of an hour in opening one of the polls, caused by a snow-storm, which prevented the deputy returning officer from reaching the polling station in time, should not be held fatal to the by-law if it is not shewn that the result of the voting was affected by such delay: Maxwell on Statutes, 4th ed., 564. *Re Oakland*, not yet reported, distinguished.

6. That the by-law did not provide for appointment of scrutineers as required by s. 377 of the Municipal Act was not a sufficient reason for quashing it after it was carried at the polls, when scrutineers were actually appointed and acted as such.

*F. M. Burdette*, for applicant. *Robson*, K.C., for the municipality.

Mathers, C.J.]

[June 2.

ANDERSON v. CANADIAN NORTHERN RY. CO.

*Railways—Negligence—Damages sustained by reason of the construction or operation of the railway—Limitation of time for action—Railway Act, R.S.C. 1906, c. 37, s. 306.*

The statement of claim alleged that the plaintiff was employed by the defendant company as a labourer and as such took part in blasting and in thawing frozen dynamite for that purpose under the order and directions of the defendant's roadmaster, that he was injured by an explosion of such dynamite, and that the defendant is a railway company owning and operating lines of railway