

The Ontario Weekly Notes

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TORONTO, MARCH 15, 1911.

No. 25.

COURT OF APPEAL.

8TH MARCH, 1911.

*RE ELLIS AND TOWN OF RENFREW.

Municipal Corporations—Local Option By-law—Voting—Declaration by Clerk—Scrutiny by County Court Judge—Motion to Quash By-law—Inquiry into Validity of Votes—Illiterate Voters—Ballots Marked by Deputy Returning Officers—Municipal Act, 1903, sec. 171—Secrecy of Voting—Names Improperly on Voters' List—Voters' Lists Act, sec. 24—Finality of List—Clerk Acting as Deputy Returning Officer—Vote of Clerk—Irregularities—Curative Provisions of sec. 204.

Appeal by A. A. Ellis from the order of a Divisional Court, ante 27, affirming the order of RIDDELL, J., 21 O.L.R. 74, 1 O.W.N. 710, dismissing the appellant's motion to quash a local option by-law.

The appeal was heard by MOSS, C.J.O., GARROW, MACLAREN, MEREDITH, and MAGEE, J.J.A.

W. M. Douglas, K.C., and J. E. Thomson, for the appellant.

W. E. Raney, K.C., and A. Burwash, for the respondents.

GARROW, J.A. :—A number of objections were argued on the motion before Riddell, J., but in his judgment he states that all were abandoned except objections numbered 1, 8, 13, and 16.

Number 1 consisted of a general statement that the election was not conducted in accordance with the principles of the Consolidated Municipal Act, 1903, followed by the particular instances relied on. . . .

Number 8, that the town clerk, although the town is divided into three polling subdivisions, acted as returning officer in poll No. 2.

*To be reported in the Ontario Law Reports.