

MULOCK, C.J.Ex.D.

MAY 5TH, 1910.

RE DALE AND TOWNSHIP OF BLANCHARD.

Municipal Corporations — Money By-law—Voting on — Voters' List—Assessment Roll—Court of Revision—Proceedings out of Time—Nullity—Assessment Act—Basis of List—Certificate of County Court Judge—Voters' Lists Act—Finality of List—Qualifications of Voters—Conduct of Voting—Irregularities—Municipal Act—Motion to Quash—Costs.

An application to quash a money by-law of the township granting aid to the St. Mary's and Western Ontario Railway Company.

C. C. Robinson, for the applicant.

J. S. Fullerton, K.C., for the township corporation.

MULOCK, C.J.:— . . . The voting on the by-law took place on the 19th November, 1909, 244 votes being given in its favour and 240 against it, thus resulting in a majority of 4 for the by-law.

The list used for the purposes of such voting was that certified by the County Court Judge on the 6th November, 1909. The applicant contends that such was not the proper list, but that the voters' list of 1908 was the last revised and certified list, and therefore should have been used. . . .

The assessment roll for 1909 was returned to the clerk of the municipality on Saturday the 29th April. Within the 14 days allowed by sec. 65 of the Assessment Act, 4 Edw. VII. ch. 23, in which to appeal, a considerable number of appeals against the roll were duly filed with the clerk. On the 18th May the Court of Revision met and tried the appeals, and the roll was purported to be finally revised and corrected in accordance with the decisions of the Court of Revision. The Court, however, was not entitled to try these appeals until 10 days after the last day for appealing: sec. 61 of the Assessment Act. Thus its action in disposing of the appeals in question on the 18th May was a nullity: *Re Dale and Township of Blanchard*, ante 65.

The clerk then prepared, on the basis of such revised and corrected roll, the alphabetical list of voters required by sec. 6 of the Ontario Voters' Lists Act, 7 Edw. VII. ch. 4, and adopted the various steps called for by that Act, with a view to the list being finally revised and certified to by the Judge. No appeals were made against the list of voters thus prepared by the clerk,