

given or left by the voter himself, and that service by any agent was not a compliance with the terms of the section.

*Held*, that service of the notice may be effected by an agent; that the post-office may be such agent; and that the service in this case was valid.

*J. R. Cartwright*, Q.C., for Attorney-General. *W. J. Moore*, for certain voters.

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Moss, J.A.] IN RE MARMORA AND LAKE VOTERS' LISTS. [Dec. 11, 1900.

*Parliamentary elections—Voters' lists—Appeal—Notice of complaint—Loss of—Parol evidence.*

Case stated under s. 38 of the Ontario Voters' Lists Act by the Junior Judge of the Court of Hastings.

A list of appeals, containing some 225 names to be added to the voters' lists, was prepared, and a voter's notice of complaint in Form 6 to the Act was signed by the complainant, attached to the list of names to be added, and handed to the clerk in his office within the thirty days required by the statute. When the list was produced by the clerk in Court the notice of complaint was absent, and it was objected that there were therefore no appeals before the Court.

The question asked was whether a complaint in regard to a voters' list can be heard without a written notice of the complaint and intention to apply to him being before the Judge, it being shewn by parol evidence that such notice has been left with or given to the clerk at the proper time, but subsequently lost.

*Held*, that it was competent for the Judge to hear and receive parol evidence as to the form and effect of the notice in question and of its loss; and that, upon his being satisfied by such evidence that a sufficient notice of complaint was duly left with the clerk as by the Act required, the complaint may be dealt with by the Judge as prescribed by it.

*J. R. Cartwright*, Q.C., for Attorney-General. *W. J. Moore*, for certain voters.

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From Snider, Fitzgerald and Carman, Co.JJ.]

[Jan. 7.

IN RE QUEENSTON HEIGHTS BRIDGE ASSESSMENT.

*Assessment—Bridge—Franchise.*

In assessing for the purpose of taxation that part of a bridge, crossing the Niagara River, lying within a township in Canada, regard cannot be had to its value in proportion to the value of the franchise or of the whole bridge, or to the cost of construction, but only to the actual cash price obtainable or the land and materials situate within the township. *In re Bell Telephone Company Assessment* (1895), 25 A.R. 351, and *In re London Street Railway Company Assessment* (1897), 27 A.R. 83, applied.

Judgment of a Board of County Judges reversed.

*C. A. Masten*, for appellants. *J. H. Ingersoll*, for respondents.