

not. The majority is narrow, but the legislature has given the bare majority the right to pass such measures, and sec. 204 prevents irregularities from rendering elections invalid, if it appears that the election was conducted in accordance with the principles laid down in the Act, and that such irregularity did not affect the result. The voting was, I think, conducted by the returning officer, not loosely, but in a reasonably careful manner and in accordance with those principles. As said by Chief Justice Hagarty in *In re Huson and Township of South Norwich*, 19 A. R. 343, "where a rural population is intrusted with limited power to pass local laws, we must not be hypercritical as to exactitude of procedure."

In view of the cases already referred to, and *Re Young and Township of Binbrook*, 31 O. R. 108, and *In re Wycott and Township of Ernestown*, 38 U. C. R. 533, I do not think I should grant this application. The motion is dismissed with costs.

STREET, J.

APRIL 27TH, 1905.

TRIAL.

SIMS v. GRAND TRUNK R. W. CO.

Railway—Injury to Person Crossing Track—Negligence—Contributory Negligence—Findings of Jury—Nonsuit.

Action to recover damages for personal injuries sustained by plaintiff Alexander Sims, an infant, by an engine of defendants, owing to negligence of defendants, as alleged, and expenses incurred by his father and co-plaintiff in consequence of these injuries.

John MacGregor, for plaintiff.

W. R. Riddell, K.C., and J. P. Mabee, K.C., for defendants.

STREET, J.:—Plaintiff Alexander Sims was between 18 and 19 years of age, and was employed as a cabinet-maker; he was injured at a highway crossing within the limits of the city of Toronto by a train of defendants. . . . He was riding a bicycle in an easterly direction along the south side of Bloor street west on 23rd July, 1903, at about 6 o'clock in the evening. He had been along the same road several times; he knew that defendants' track crossed Bloor