

4. That illiterate voters were allowed to vote on the by-law without first having taken the declarations required by sec. 171 of the Consolidated Municipal Act.

5. That the by-law was finally passed within one month after its first publication in a public newspaper, contrary to the provisions of sec. 338(3) of the Consolidated Municipal Act.

6. That Norman Wallace, who was appointed and acted as deputy returning officer for polling subdivision No. 1 of the township upon the taking of the vote, was disqualified by interest from holding that office.

Objections 1 and 2 rely for their effect upon the validity of the other objections or some of them.

The first publication of the by-law was on December 13th, 1912, and the by-law was finally passed by the municipal council on January 13th, 1913.

The result of the vote as declared by the clerk was that 297 votes were cast in favour of the by-law and 191 against it, being a total of 488 votes. A scrutiny having taken place before the senior County Court Judge of the county of Carleton, he, on February 19th, 1913, certified as the result thereof as follows:—

Total number of votes cast 487

For the by-law 295

Against the by-law 192 487

And that on an enquiry as to the qualifications of certain persons who had voted, he found that four such persons had not, on the date of the election, the necessary qualifications, and he deducted these four, thus reducing the total number of votes cast to 483.

For the by-law 291

Against the by-law 192 483

On this finding, which I adopt, the by-law was carried by a majority of 1-1/5 votes.

Objection 5. To this objection—that the by-law was finally passed within one month after the first publication, *Re Duncan and the Town of Midland*, 16 O. L. R. 132, and particularly that part of the judgment of Osler, J., appearing on p. 135, has special application. I need not repeat the line of reasoning adopted in the judgments of the Court of Appeal in this case. In the present case the final passing of the by-law on January 13th, did not in any way interfere with or prejudice the rights of any elector or other person