

year, the City of Sydney was incorporated. Defendant was convicted of having unlawfully kept intoxicating liquor for sale in the City of Sydney contrary to the provisions of the second part of the Canada Temperance Act then in force in said city.

Held, affirming the conviction, that so far as the Canada Temperance Act was concerned the word "county" was to be read as applying to the county as it existed when the Act was brought into force by Order-in-Council and that the incorporation by the provincial legislature of a portion of the territory as a town or city would not have the effect of displacing the operation of the Act.

J. S. Madden, for defendant. *H. S. Ross*, contra.

Province of Manitoba.

KING'S BENCH.

Perdue, J.]

[May 15.]

IN RE CASWELL AND SOUTH NORFOLK.

Liquor License Act—Separate petitions—Proof of signature by sufficient number—Adjournment of time appointed for summing up votes—Time when by-law to come into operation—Mistake in clerk's certificate as to result of vote.

Application to quash by-law No. 367 of the municipality, being a local option by-law passed under the provisions of ss. 61-73 of the Liquor License Act, R.S.M. 1902, c. 101, also by-law No. 368, providing for the taking of the votes of the electors or by-law No. 367.

PERDUE, J.:—Where there has been a virtual compliance with the statute and the departures complained of have been rather from the letter than from the spirit of the enactment, the Court has discretion in determining whether there has been a sufficient compliance and whether effect should be given to the objections on an application to quash: *Lawson v. Corporation of Reach*, 19 U.C.R. 591; *White v. East Sandwich*, 1 O.R. 530; *Milloy v. Onondaga*, 6 O.R. 573; *Young v. Binbrook*, 31 O.R. 108. As Cameron, J., observed in *White v. East Sandwich*, "the Court is not to be astute in finding grounds in which the by-law might be held defective."

Acting on this principle the learned judge refused to hold that any of the following objections were fatal to the by-law: