

of MIDDLETON, J., 23 O.L.R. 598, and holding that, upon a scrutiny, under the Municipal Act, of the votes cast at the voting upon a local option by-law, a County Court Judge has no right to declare void and deduct from the total of votes cast the vote of a tenant whose name was upon the certified voters' list, but who was not in fact a resident of the municipality when the list was certified, and who never afterwards became a resident therein: sec. 24(2) of the Voters' Lists Act, 7 Edw. VII. ch. 4, having no reference to a change of residence after the list is certified.

The appeal was heard by MOSS, C.J.O., GARROW, MACLAREN, MEREDITH, and MAGEE, J.J.A.

C. St. Clair Leitch and J. M. Ferguson, for the appellant.

W. E. Raney, K.C., and J. Hales, for Dugald McPherson, the respondent.

MOSS, C.J.O.:—This case furnishes another example of the difficulty and confusion which so often arise from the adoption by the Legislature of the device of incorporating by reference some of the provisions of one statute into the body of another statute which is being enacted. The disadvantages of this mode of legislation have been remarked upon in England and this country, and it has been truly said that this procedure makes the interpretation of modern Acts of Parliament a very difficult and sometimes doubtful matter. See *Knill v. Towse* (1889), 24 Q.B.D. 186, 196, where the question was not unlike in some respects the question involved in this case. And a legislative committee in England is reported to have described legislation by reference as making an Act so ambiguous, so obscure, and so difficult that the Judges themselves can hardly assign a meaning to it, and the ordinary citizen cannot understand it without legal advice: Craies' edition of *Hardeastle on Statutory Law* (1907), p. 26.

It is scarcely to be wondered at, therefore, that unanimity of opinion is not to be found expressed in many of the decisions in which the questions arising on this appeal or some of them have been discussed.

The first question raised in the appeal has been much debated, and has given rise to much divergence of opinion among the Judges who have it under consideration in other cases. As stated by Teetzel, J., in his opinion delivered while sitting as a member of the Divisional Court whose judgment is now in appeal, the question is: whether, upon a scrutiny under the