

Saltfleet, 16 O. L. R. 293, 11 O. W. R. 356, 545, where, as well as the counsel representing the township, counsel for an elector was permitted to take part in the argument. I took the view that, in the circumstances of that case, it having originated in a scrutiny before a County Court Judge, and under the provisions of the Act upon a scrutiny an elector might be represented, an elector might also be represented before me on the motion. I do not think that is authority for the proposition contended for by Mr. Raney in this case.

Here the municipality are represented by counsel, and there is not sufficient evidence to satisfy me that there is any collusion between the municipal council and the applicant in reference to this by-law. Mr. Carroll has ably argued in support of it, and I think, in those circumstances, it is not competent for an elector to intervene. There must be legislation, it seems to me, giving him the right before I could recognise his position.

Then upon the merits of the motion, I think the applicant has shewn that the election on which this by-law was carried by a majority of 4 was not conducted according to the principles of the Municipal Act in regard to voting upon by-laws.

Section 173 of the Municipal Act says that "during the time appointed for polling, no person shall be entitled or permitted to be present in the polling place, other than the officers, candidates, clerks, or agents authorised to attend at the polling place, and the voter who is for the time being actually engaged in voting."

In this case the affidavits shew that in each of the 3 polling subdivisions there were, during the time of voting and also at the counting of the ballots, contrary to the Act, a large number of persons, besides the officials and voter, present in the polling place. In one of the places, number 3, one of the witnesses swears that there were 30 persons in the room at the time the ballots were counted, and an average of 12 persons in the polling place during the day, exclusive of the voter and the officials and those there with lawful authority.

Now, it seems to me, to permit a large number of persons, beyond those authorised by the statute, to be present during the voting, was a gross breach of the Act, and it seems to me, therefore, that it is decidedly conducting the election in violation of the principles of the Act. There is