

HIS EXPRESSED OPINION.

History of the ballot does not afford a better joke than the last election in Sydenham, as was revealed in the recount of ballots cast at the municipal elections this year. Usually there are some electors who do not think enough of the candidates to vote for either. But it is a rare instance where the individual uses the ballot to express his opinion otherwise than by the regulation cross. One old voter, in number three, supplied the instance. When counting the ballots, his hand was shown by writing after CAMPBELL's name, "No tam good." The explosion that follows nearly wrecked the court house and the gravity of Judge HATTON's countenance vanished when under and opposite the name of McDONALD were the words, "No tam better." The joke was worth the recount, and the laugh took a lot of tension off the situation and the ballot was a better revelation of the voter's mind than the regulation mark could possibly have been.

The same recount brought to notice an unusual irregularity at the polling sub-division in south Sydenham where a deputy returning officer re-opened the poll on the morning following polling day, to permit a voter to deposit a ballot which he could not secure the previous day owing to the supply having been exhausted.—*Owen Sound Times*.

WHAT CONSTITUTES DEDICATION OF HIGHWAY

In the Court of Appeal, Toronto, the case of Maccomb v. Town of Welland, was recently heard. It was an appeal by plaintiffs from judgment of Anglin, J., (7 of W. R. 876), after the trial at Welland, dismissing with costs an action for a declaration that the portion of the River road leading from Port Robinson to Welland along the bank of the Chippawa Creek or Welland River, lying between Burgar Street and Dorothy Street, in the Town of Welland, is not a highway, but the private property of plaintiffs. Plaintiffs own the lands which lie along the eastern boundary of this portion of the River road, and maintain that their respective properties extend to the water's edge of the river, and include the strip of land in question.

Defendants allege that this portion of the River road is a highway. The trial judge held that there had been a user by the public of the strip of land in question for 53 years since the grant to plaintiffs' predecessors, which, upon the admissions, vested the title in such lands in plaintiffs. Even if this user for the first twenty years should not be taken into account, because of a special clause in a by-law of 1855, there had been since the right to close up this portion of the River road became absolute, in 1873 or 1874, 32 or 33 years of uninterrupted user before the bringing of this action, sufficient, upon the authority of *Mytton v. Duck*, 26 U. C. R., 61, to establish conclusively a dedication. Appeal allowed with costs and judgment for plaintiffs as prayed with cost.

CHAS. DONALDSON, clerk Township of Tudor : "We could not get along without THE MUNICIPAL WORLD."

J. HILL, Township of Wainfleet : "I deem THE WORLD a valuable assistance in municipal work."

W. CLARK, clerk of Township of York : "Your highly appreciated publication, THE MUNICIPAL WORLD, is becoming more popular as it grows older and larger."

A. J. HUGHES, clerk Township of East Gwillimbury : "THE WORLD is considered by our council to be a very valuable aid in municipal work."

A LOCAL OPTION DECISION.

Re Bell and The Municipal Corporation of the Township of Elma was an appeal from a judgment of ANGLIN, J., refusing to quash a local option by-law passed by the corporation of the Township of Elma.

It appeared that the day before the taking of the poll the township clerk, who had been appointed deputy returning officer at one of the polling sub-divisions, was taken ill, and was unable in consequence to attend to any of his duties. He requested one JOHN MORRISON to act in his place as such deputy returning officer, and he did so and took the votes without any other authority than such request. He also requested one JAMES DONALDSON to finally sum up the votes cast for and against the by-law, and he in so doing only obtained possession of five out of eight of the ballot boxes containing the returns of the deputy returning officers, and relied on a memorandum in writing from the township clerk as the result from the other three ballot boxes and polling sub-divisions.

It also appeared that the township council did not by the by-law fix a time and place for the final summing up of the votes by the township clerk, and that no one attended with JAMES DONALDSON when he summed up the votes for the township clerk.

The appeal was argued on the 22nd and 23rd of October, 1906, before a Divisional Court composed of FALCONBRIDGE, C.J.K.B., BRITTON and MABEE, JJ.

At the close of the argument the judgment of the Court was delivered by FALCONBRIDGE, C. J., :—Holding that the requisits of sections 341 and 342, which were positive directions of the statutes, had not been complied with ; that the curative section 204 did not apply, as an essential part of the by-law, which was more than an irregularity, had been omitted, and the by-law must be quashed with costs.

JAMES HONOR, clerk Township of Malden : "We find THE MUNICIPAL WORLD a valuable and reliable guide in all municipal matters."

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W. P. BENDER, clerk of Township of Olden : "I beg to state that I find THE WORLD of great assistance to me in my municipal work."

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A. J. REID, clerk Village of Ayr : "THE MUNICIPAL WORLD continues to give what every municipal officer requires."

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S. T. ANDERSON, clerk of Township of Tilbury West : "The information given in your WORLD is of more benefit than the statutes."

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Mr. P. A. MALCOLMSON, Barrister, formerly clerk of the village of Lucknow, has been appointed clerk of the county of Bruce, to succeed Mr. W. S. GOULD who has resigned. Mr. J. E. AGNEW has been appointed to succeed Mr. MALCOLMSON as clerk of the village of Lucknow.

The town council of a small German town had met to inspect a new site for a cemetery. They assembled at a chapel, and, as it was a warm day, one of the members of the council suggested they should leave their coats in the building. "Some one could stay behind to look after them," suggested one of the councillors. "There is no need of that," said another. "If we are all going out to the cemetery together what need is there for one of us to stay behind and watch our coats?"