

action be transferred to the County Court Costs of the day in the cause. April 13, 1910." On the 20th September, 1910, the plaintiff's solicitor wrote to the defendant's solicitor offering to reduce the plaintiff's claim to \$500, and have the action tried at the County Court sittings. On the 23rd September the defendant's solicitor wrote in reply that he "had seen the defendant and had suggested to him the advisability of having the case transferred to the County Court, to be tried in December next, but he flatly refused and said that he wanted it tried as soon as possible. As this is his attitude, there is nothing that I can see to do but to go on and have the case tried on the 10th prox."

The plaintiff will, therefore, get only County Court costs, but I direct that no set-off of costs be allowed to the defendant.

DIVISIONAL COURT.

OCTOBER 24TH, 1910.

*RE RYAN AND TOWN OF ALLISTON.

Municipal Corporations—Local Option By-law—Voting on—Voters' List Certified by County Court Judge—Ontario Voters' Lists Act—Complaint—Notice of Holding Court—Duty of Clerk—Irregularities—Curative Clause of Statute, sec. 204.

Appeal by Ryan from the order of MEREDITH, C.J.C.P., 21 O. L. R. 582, 1 O. W. N. 1116, dismissing a motion to quash a local option by-law.

The appeal was heard by BOYD, C., RIDDELL and MIDDLETON, JJ.

J. B. Mackenzie, for the appellant.

W. A. J. Bell, K.C., for the respondents.

BOYD, C.:—My brothers are agreed upon the correctness of the result arrived at in the Court below upon the main matter under consideration, i.e., whether the proper voters' list was used upon the local option election. The list was one, no doubt, which in form complied with the statute; it was the last list of voters certified by the Judge and delivered or transmitted to the Clerk of the Peace.

The evidence shews that a complaint was made and that the Judge proceeded to hold a Court of Revision thereupon and made a slight change in the list submitted to him, adding two names without such notice being given for the holding of the Court as is made a pre-requisite by the Voters' Lists Act, 7 Edw. VII. ch.

* This case will be reported in the Ontario Law Reports.