

to say, in the absence of any record by the council of what they did or intended to do in regard to conducting the voting on this by-law in accordance with the principles laid down in the Act, how the result was affected. In so important a matter the council should have acted in carrying out details, and the action should have been recorded. It should not have been left to men, no matter how zealous and willing, to do of their mere motion what they thought necessary, and when the responsible corporate body neglected their duty, a by-law without such formalities as the statute requires in the particulars above mentioned ought not to be forced upon the minority, even if it so happens that in truth the majority of those who voted were really in favour of it.

This by-law, if allowed to stand, disturbs the existing order of things in a township as distinguished from all the other townships in the same county, and cannot be repealed for three years. The quashing of it will not prevent a new by-law being submitted, if the electors desire it and the council pass it, and if such a by-law is again submitted, it should be done with such care on the part of the council to comply with the statutory requirements that the will of the electors when once announced shall prevail.

These objections are fatal, and the by-law should be quashed with costs to be paid by the township, but the applicant is not to be allowed any costs upon the other objections on which his motion fails.

There are many affidavits in regard to the qualifications of voters. These affidavits are quite incorrect, although no doubt honestly made by deponents upon information and belief. Costs of these are not allowed against the township.

Colin McIntosh, Carleton Place, solicitor for applicant.

J. S. L. McNeely, Carleton Place, solicitor for corporation.

BRITTON, J.

APRIL 14TH, 1902.

CHAMBERS.

REX EX REL. TOLMIE v. CAMPBELL.

*Municipal Corporation—Election of Reeve—Voter Voting more than Once—Majority—Presumption as to Voter's Receiving a Ballot Paper after having once Voted.*

Application by relator for order setting aside election of respondent D. Campbell as reeve of the township of Aldborough, in the county of Elgin, on the ground, amongst others, that each of thirty or more electors received a ballot