

by a majority of one out of all the duly qualified voters who voted. Quare, whether the vote is subject to scrutiny in this action; but if not, the same result follows upon a greater majority.

Action dismissed. Plaintiffs to pay defendants' costs of the action, including the costs of motions for and to continue an interlocutory injunction, and to pay defendants' costs of the counterclaim.

WINCHESTER, MASTER.

SEPTEMBER 12TH, 1902.

CHAMBERS.

REX EX REL. ROSS v. TAYLOR.

*Municipal Election—Irregularities—Evidence of—Saving Clause.*

An application to set aside the election of the respondent as reeve of Port Dover, because the election was not conducted according to law, in respect of the conduct of the returning officer, the voters' lists, etc. The relator alleged 15 grounds of complaint.

E. E. A. DuVernet and H. A. Tibbetts, Port Dover, for the relator.

S. C. Biggs, K.C., for the respondent and for the returning officer.

THE MASTER (after a careful examination of the evidence with regard to each ground of complaint) :—In my opinion, the irregularities complained of have not in any way interfered with the election of the respondent, which appears to have been regularly conducted. The only objections worthy of special reference are 5, 6, and 7, and the irregularities referred to come within the provisions of sec. 204 of the Municipal Act: *Woodward v. Sarsons*, L. R. 10 C. P. 733. I therefore refuse the application with costs to be paid by the relator to the respondent. There will be no costs to or against the returning officer.