

Garland Manufacturing Co. v. Northumberland Paper and Electric Co. Limited (1899), 31 O.R. 40. The learned Judge considered and distinguished these cases, and also pointed out that they had been doubted. He referred to Doe dem. Pennington v. Tanriere (1848), 12 Q.B. 998, as in point. His conclusion was, that, a valid tenancy actually existing, the consequences of overholding and paying rent were the same for a corporation tenant as for any other.

Appeal dismissed with costs.

JUNE 18TH, 1915.

*RE SHARP AND VILLAGE OF HOLLAND LANDING.

Municipal Corporations—Local Option By-law—Motion to Quash—Voting on By-law—Voters' List—Disqualification of Voters—Council Meeting—Third Reading of By-law.

Appeal by Sharp, the applicant, from the order of HODGINS, J.A., ante 386, dismissing a motion to quash a local option by-law.

The appeal was heard by FALCONBRIDGE, C.J.K.B., MAGEE, J.A., LATCHFORD and KELLY, JJ.

J. B. Mackenzie, for the appellant.

W. E. Raney, K.C., and E. F. Raney, for the village corporation, respondent.

FALCONBRIDGE, C.J.K.B., delivering the judgment of the Court, said that the votes of two men named Oster were not successfully impeached, and the Court did not find that there was evidence or any legal ground upon which to kill a sufficient number of other votes—without reference to the fact that it cannot appear how any of them voted.

As to the alleged defect in the third reading of the by-law: if the council thought a new third reading was necessary, in view of the fact that sufficient time had not been allowed to elapse, it was competent for the council to give it.

As to there not being a separate list of voters, the Court was of opinion that this was not left undone with a view of preventing any one from voting. The list was the same, and the result could not be affected.

Appeal dismissed with costs.