

4. That illiterate voters were allowed to vote on the by-law without first having taken the declarations required by sec. 171 of the Consolidated Municipal Act.

5. That the by-law was finally passed within one month after its first publication in a public newspaper, contrary to the provisions of sec. 338 (3) of the Consolidated Municipal Act.

6. That Norman Wallace, who was appointed and acted as deputy returning officer for polling subdivision No. 1 of the township upon the taking of the vote, was disqualified by interest from holding that office.

Objections 1 and 2 rely for their effect upon the validity of the other objections or some of them.

The first publication of the by-law was on the 13th December, 1912, and the by-law was finally passed by the municipal council on the 13th January, 1913.

The result of the vote, as declared by the clerk, was, that 297 votes were cast in favour of the by-law and 191 against it, being a total of 488 votes. A scrutiny having taken place before the Senior Judge of the County Court of the County of Carleton, he, on the 19th February, 1913, certified as the result thereof as follows:—

| | |
|------------------------------|--------------|
| Total No. of votes cast..... | 487 |
| For the by-law..... | 295 |
| Against the by-law | 192..... 487 |

And that, on an inquiry as to the qualifications of certain persons who had voted, he found that four such persons had not, on the date of the election, the necessary qualifications, and he deducted these four, thus reducing the total number of votes cast to

| | |
|--------------------------|--------------|
| For the by-law | 291 |
| Against the by-law | 192..... 483 |

On this finding, which I adopt, the by-law was carried by a majority of one vote and one-fifth.

Objection 5. To this objection—that the by-law was finally passed within one month after the first publication—*Re Duncan and Town of Midland*, 16 O.L.R. 132, and particularly that part of the judgment of Osler, J.A., appearing on p. 135, has special application. I need not repeat the line of reasoning adopted in the judgments of the Court of Appeal in that case. In the present case the final passing of the by-law, on the 13th January, did not in any way interfere with or prejudice the rights of any elector or other person having an interest in the