

to be quashed upon an application made in conformity with the provisions hereinbefore contained."

That is the authority which is conferred upon the Court to quash a by-law upon a summary application; and, as has been seen, if, by means of a violation of the two sections referred to, the passing of the by-law has been procured, the Court may quash the by-law.

Now, turning to secs. 245 and 246: sec. 245 deals with and defines bribery, and sec. 246 defines undue influence.

The only class of acts charged which would come within sec. 246 is the alleged boycotting, and I am not satisfied upon the evidence that boycotting is made out.

The affidavit of Mr. Manning has not been drawn in such a way as to lead one to the conclusion that it can be relied upon. It is not a fair affidavit. He does not put forward anything which the opponents of this application, the supporters of the by-law, could answer. The general allegation that he has heard persons supporting the by-law make certain statements as to withdrawing trade, and his belief that that influenced voters, even though there had been no direct contradiction of it, is an unsatisfactory way of proving the charge made, and I am unable upon that evidence to come to the conclusion that acts in the nature of a boycott, such as to justify the quashing of the by-law, are shewn to have been committed.

In regard to the alleged bribery, it is said that the Rev. Mr. Campbell, in supporting the by-law, made statements, and that others made statements, publicly and to individual voters, that the temperance party, as it is called—those who were promoting the by-law—had provided a fund of some thousands of dollars with which they intended to erect, in the event of the by-law being passed, a building to be used as a temperance hotel, and that in connection with it there would be stables free for the use of those desiring that accommodation, and that there would also be in connection with the hotel a free reading-room and games.

Now, assuming all that to be proved—there is no contradiction of it—one must look at what the character of the voting was, and what the question before the electors was; and one, at the threshold, will see that the argument upon the one side would probably be: If you pass this by-law, you are going seriously to injure the business interests of the