

revised voters' list of the municipality to be qualified to vote at municipal elections;" there were some other names, but that was immaterial. The voters' list contained 4,337 names; but it was sworn and not contradicted that the names of many persons appeared more than once. The auditor of the town swore that the number of *persons* on the voters' list was only 3,625; and he must be believed.

It was argued for the respondents that there could be no inquiry of any kind as to the number of *persons*—all that could be looked at was the apparent number of *names*. That was not the correct interpretation of the Act. The petition was not signed by *names*, but by *persons*; and a sufficient number of *persons* must sign to make up at least 25 per cent. of the total number of *persons* appearing to be qualified to vote. Find out the number of *persons* who appear by the voters' list to be qualified to vote; and, if one-fourth of these *persons* sign the petition, the requirements of the statute are answered. That was the case here.

An objection was taken that the applicant was an officer or employee of the corporation; there was no force in that; the applicant did not give up his ordinary rights as a ratepayer by accepting office.

Mandamus granted with costs.

RIDDELL, J.

DECEMBER 7TH, 1915.

MAPLE LEAF PORTLAND CEMENT CO. v. OWEN SOUND
IRON WORKS CO.

*Damages—Breach of Contract—Breach of Implied Condition or
Warranty—Pleading—Judgment—Scope of Reference—
Master's Report—Appeal.*

Appeal by the defendant company from a report of the Master in Ordinary; and motion by the plaintiffs for judgment upon the report.

The appeal and motion were heard in the Weekly Court at Toronto.

W. N. Tilley, K.C., for the defendant company.

W. G. Thurston, K.C., for the plaintiffs.