

taverns to be issued for the locality, which remained in force in 1903. As a matter of fact only two licenses had ever been granted at any time, and in 1903 these licenses were held, one for a tavern owned by the brother of the Reeve, and the other for a tavern which was held under mortgage by the Reeve. The by-law objected to purported to repeal the by-law allowing three licenses and limit the number to two. The members divided equally and the matter was carried in favour of the new by-law by the casting vote of the Reeve.

Held, that the effect of the by-law in question would be to prevent the license commissioners granting more than two licenses, and it was fairly to be inferred that the licenses would go in continuation of the existing licenses and to the exclusion of the present applicant, who had completed the building of a large boarding house with the view of obtaining a liquor license. The vote of the Reeve in effect secured the renewal of the license to the tavern held by him under mortgage and cut out any chance of a competitor who might share the profits of the mortgaged tavern, and otherwise impair the value of his security, and therefore it could not be said that there was an absence of direct pecuniary or proprietary interest in the Reeve in the matter of his casting vote, and his vote should not be allowed to bring about a result so likely to be favourable to himself.

It appears to be a question of fact in administration of public trusts whether the person voting in the exercise of the trust has such a disqualifying interest as should estop him from taking part and as should nullify his vote.

Appeal allowed and impeached by-law quashed.

Middleton, for appellant. *Grayson Smith*, for corporation.

Boyd, C.] IN RE MCCRAE AND VILLAGE OF BRUSSELS. [Feb. 13.
Municipal corporation—Local improvement by-law—Absence of personal notice—Actual notice—Motion to quash.

Held, that the provision in s. 669 (i.a.) of Municipal Act, 3 Edw. VII., c. 19, as to giving personal notice of a projected local improvement to the parties whose property is to be included is directory only; and in this case in which it appears that the applicants were well aware all the while from the outset as to what was intended, a motion to quash a municipal by-law providing for a local improvement on the ground of the absence of such personal service was refused.

Held, also, that the objection that the members of the Court of Revision were not sworn, could not be entertained on such motion, because the members of that court had not been called upon to uphold their action, and because the applicants went before the court on appeal and were unsuccessful.

Proudfost, K.C. for plaintiff. *Sinclair*, K.C., for defendants.