

general principle made ex majore cautela in the particular case.

In my opinion, the Divisional Court came to the proper conclusion.

As to the other objections, the most formidable as presented in argument was the action of the clerk in inserting in the notice of the election a warning against voting more than once on the by-law. This is now answered by shewing that his view of the law was correct, and that, however unnecessary or outside the scope of his duty, the giving of the warning could not, and in fact did not, prevent any elector from giving one vote.

With regard to the other objections, I agree with the Divisional Court that an inspection of the respective ballot papers for voting on this and another by-law shews that there is nothing in the objection based on a supposed confusion by reason of the colours of the papers, and that, as respects the remaining objections, they are not sufficiently made out in some cases, and the remaining cases are not such as to affect the validity of the by-law.

The appeal should be dismissed.

OSLER and GARROW, JJ.A., gave reasons in writing for the same conclusion.

MACLAREN, J.A., also concurred.

MEREDITH, J.A., dissented, for reasons stated in writing.

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MOSS, C.J.O.

DECEMBER 29TH, 1906.

C.A.—CHAMBERS.

HOGABOOM v. HILL.

*Appeal to Court of Appeal—Leave to Appeal from Order of Divisional Court Reversing Judgment at Trial.*

Motion by plaintiffs for leave to appeal to the Court of Appeal from order of a Divisional Court (ante 815) revers-