

own contract; and I do not think that there is anything in the contract itself to raise a presumption that there should be an abatement or even a survey of the property.

The purchasers' application is, therefore, dismissed. Under all the circumstances, I shall not make any order as to costs.

---

KELLY, J.

APRIL 26TH, 1913.

RE NORTH GOWER LOCAL OPTION BY-LAW.

*Municipal Corporations—Local Option By-law—Voting on—Qualifications of Voters—Scrutiny by County Court Judge—Deduction of Votes from Total and from Majority—Premature Final Passing of By-law by Council—Absence of Prejudice—Deputy Returning Officer—Interest—Bias—Ballots Marked for Incapacitated Voters—Neglect to Require Declarations—Municipal Act, sec. 171—Irregularity Cured by sec. 204—Names Added to Voters' List by County Court Judge—Voters' Lists Act, secs. 21, 24—Irregularities in Procedure—Certificate of Judge—Finality.*

Motion to quash a local option by-law of the township of North Gower.

F. B. Proctor, for the applicant.

G. F. Henderson, K.C., and George McLaurin, for the township corporation.

KELLY, J.:—By the notice of motion the applicant rests his case on six objections:—

1. That the by-law did not receive a three-fifths majority of the votes of the duly qualified voters.

2. That the voting upon the by-law was not conducted in accordance with the provisions of the Municipal Act and of the Liquor License Act, and that persons were allowed to vote whose names did not appear upon the last revised voters' list of the municipality as persons qualified to vote at municipal elections.

3. That unauthorised names were entered upon the list of voters used in voting upon the by-law, which names had not been entered upon the list of voters in accordance with the provisions and requirements of sec. 17 and subsequent sections of the Ontario Voters' Lists Act.