

It would be a most unfortunate thing if the Court was to set aside a by-law simply because the notice was not written in large enough characters or printed in large enough type; and that where there has been a substantial compliance with the Act, and an honest intention to put up the notices in four of the most public places, the Court should interfere with what had been done and set aside the by-law because, on a hypercritical examination of the circumstances, it might be found that one of these places was perhaps not to be included in the category of being one of the most public places.

The objection must be overruled.

Then with regard to the other, which is the only substantial ground of objection. There was a majority of 41 in favour of the by-law, out of a vote of 323. It is said that 5 tenants voted who had no right to vote, because they had not been resident within the municipality for one month before polling day. That is not controverted, and no doubt these 5 tenants improperly voted, and if a sufficient number of such tenants to have affected the result had voted, although it is impossible to tell which way they voted, it would have been necessary to set aside the by-law. However, if all the 5 votes were struck off, that would result only to reduce the majority to 36.

I think the refusal to swear one voter, Miss Graham, is not made out upon the material; and, even if it were, I should not think that would be a ground for quashing the by-law.

Then with regard to the undue influence, bribery, coercion, and boycotting, which is alleged to have been shewn, it has to be borne in mind that a by-law such as this differs very much from an electoral contest.

In an electoral contest the candidate, in promoting his own election, one may say, is a party, and he is affected, of course, by his own acts and by the acts of his agents which are in violation of the law.

In the case of a by-law which is submitted to the electors for the voting yea or nay upon it, the laws applicable to elections of members of a municipal council or a Legislative Assembly do not obtain, and therefore it is provided by sec. 381 that "any by-law the passage of which has been procured through or by any means of any violation of the provisions of secs. 245 and 246 of this Act, shall be liable