

Province of Ontario.

HIGH COURT OF JUSTICE.

BANNERMAN v. LAWYER.

Liquor License Act—Transfer of license—Right of electors to withdraw their signatures from certificate.

Electors have no power to withdraw their names from a certificate filed with the License Board in support of an application for the removal of a license from licensed premises to premises not licensed at the time of the application.*

[MEREDITH, C.J.—April 30, 1900.]

Action by a ratepayer of the city of Toronto against the holder of a shop license and the License Commissioners of Toronto, to prevent the removal of the license to unlicensed premises on the ground that a number of the electors signing the certificate had withdrawn their names previous to any action by the License Board, and on the grounds set out in the judgment.

DuVernet, for plaintiff, for motion. *Ritchie*, K.C., for defendant Lawyer. *J. R. Roaf*, for other defendants.

The following oral judgment was delivered by the learned Chief Justice at the conclusion of the argument.

MEREDITH, C.J.:—I think the case entirely fails. The first objection, which Mr. DuVernet has ably supported by a well considered argument, depends upon the proposition that the persons who signed the certificate mentioned in sub-sec 14 of sec. 11 are entitled before the license commissioners have acted upon that certificate to withdraw their names and having withdrawn that the certificate is to be treated as if it never had had their signatures. I think that is not the correct view. I am unable to distinguish the *Kent Case*, under the Canada Temperance Act, which has been referred to. It seems to me that if that decision was a proper one under that Act, it is an a fortiori case that there is no right on the part of a person who signs such a certificate as that in question here to withdraw.

What the legislature says is that if it be desired to obtain a license or a transfer under this section, the applicant as a con-

*This case is referred to in a foot note to *East v. O'Connor*, 2 O.L.R. 355; but as it is an important judgment and a leading case on the subject it is now published in full.—Ed. C.L.J.