

ROBERT DOULL, Petitioner,

vs.

JAMES WILLIAM CARMICHAEL and JOHN
ADAM DAWSON, Respondents.

*Decision on preliminary objections. Questions as to sufficiency of
petition.*

In this cause the petition was filed in the following form :—

IN THE ELECTION COURT.

The Controverted Election Act, 1873.

Election for the County of Pictou holden on the Fifth day of February in the year of our Lord One Thousand Eight Hundred and Seventy-four.

The petition of Robert Doull of Pictou, in the County of Pictou, Esquire, whose name is inscribed hereto,

Respectfully sheweth :

1. That your petitioner was a candidate at the above election, and claims to have a right to be returned at the above election.
2. Your petitioner states that the election was holden on the Fifth day of February last, when James William Carmichael, John Adam Dawson, the Honorable James McDonald, and your petitioner were candidates, and the Returning Officer has returned the said James William Carmichael and John Adam Dawson as being duly elected.
3. Your petitioner complains that the said James William Carmichael and John Adam Dawson were unduly elected and unduly returned at said election.
4. And your petitioner says that the votes of divers persons not duly registered or entered, in the then last legal and proper revised and certified list of voters for the said county, according to the provisions of the several acts in force, in that behalf, were tendered to and received and recorded or caused to be recorded by the said Returning Officer, and the Deputy Returning Officers, at the various polling places comprised within the said county at the said election, for and on behalf of the said James William Carmichael and John Adam Dawson at said election, notwithstanding the same were objected to by and on behalf of your petitioner.
5. And your petitioner says further that no legal or proper alphabetical list of the electors of the said county of Pictou, qualified to vote at the election of members to serve in the House of Commons of Canada as provided by the tenth section of chapter 27 of the Acts of the Parliament of Canada for 1873, entitled, "An Act to make temporary provision for the election of members to serve in the House of Commons," was ever prepared or filed with the Clerk of the Peace for the said county of Pictou, but an illegal list purporting to be such legal and proper