

signatures on the one petition not thus mutilated. These latter signatures were not themselves sufficiently numerous.

Held, following *Re Williams and Bampton*, 17 O.L.R. 398, that the document presented to the council was not such a petition as the Act requires, and that an injunction should issue on the application of an owner of a licensed hotel to prevent the reeve and councillors from submitting a by-law to the electors as prayed for. *Little v. McCartney*, 18 M.R. 323, distinguished.

Andrews, K.C., and *Burbidge*, for applicant. *Taylor*, K.C., for the council.

Metcalf, J.]

HATCH v. RATHWELL.

[Oct. 29.]

Liquor License Act—Local option—Petition to council for submission of by-law, using petition of previous year not then acted upon—Injunction to prevent.

A petition to the council of a municipality to submit to the vote of the electors a local option by-law under s. 62 of the Liquor License Act, R.S.M. 1902, as re-enacted by 9 Edw. VII. c. 31, s. 2, filed with the clerk in one calendar year, with the intention that it should be acted upon in that year, but not so acted upon, cannot be treated as a valid petition for the submission of such a by-law in any subsequent calendar year, especially in a case where a portion of the territory of the municipality in which some of the petitioners resided has, in the meantime, been incorporated into a separate village; and in such a case an injunction should, on the application of an owner of a licensed hotel, issue to prevent the council from proceeding to submit such by-law.

Andrews, K.C., and *Burbidge*, for applicant. *Taylor*, K.C., for the council.

Province of British Columbia.

SUPREME COURT.

Full Court.]

[Oct. 30.]

BARNES v. BRITISH COLUMBIA COPPER CO.

Master and servant—Dangerous works—Knowledge of—Structural defects—Risk voluntarily incurred—Negligence—Contributory negligence.

The plaintiff, whilst engaged as a switchman on the defen-