

THE ONTARIO WEEKLY NOTES

The Ontario Weekly Notes

VOL. VII. TORONTO, NOVEMBER 13, 1914. No. 10

HIGH COURT DIVISION.

LENNOX, J. NOVEMBER 2ND, 1914.

MURDOCK v. KILGOUR.

Canada Temperance Act—Voting on—Form of Ballot—Returning Officer—Injunction against Making Return.

This action was brought by Andrew Elisha Murdock against F. W. Kilgour, president of the Welland County Hotel Keepers' Association, Hugh A. Rose, returning officer, and His Honour L. B. C. Livingston, Judge of the County Court of the County of Welland, for a declaration in respect of a vote taken in the county of Welland upon the question of the adoption of the Canada Temperance Act in that county.

The plaintiff moved for an order prohibiting the defendant Livingston, until the trial and determination of the action, from determining or certifying, as a result of the pending scrutiny under the Canada Temperance Act, whether the majority of votes given on the proceedings had and taken in the county, pursuant to a proclamation of the Governor in Council in that behalf, for a polling of votes under the Act, was or was not in favour of the petition to the Governor in Council for bringing into force in the county Part II. of the Act, or for an injunction instead of a prohibition; and for an injunction restraining the defendant Rose, returning officer under the proclamation, from transmitting any return to the Secretary of State with reference to the question whether or not the majority of votes was in favour of the petition.

The motion was heard in the Weekly Court and was turned into a motion for the judgment.

W. E. Raney, K.C., for the plaintiff.

James Haverson, K.C., for the defendants.