

Mathers, J.] **LITTLE v. MCCARTNEY.** [Dec. 10, 1908.

Local option by-law—Injunction against voting on—Omission to publish statutory notice—Other adequate remedy—Liquor License Act, R.S.M. 1902, c. 101, ss. 62, 65, 66—Motion for injunction.

This action was brought by the holder of a license under R.S.M. 1902, c. 101, on behalf of himself and all other ratepayers of the rural municipality of Franklin against the corporation and the members of the council to restrain the defendants from submitting to the electors a local option by-law under ss. 62 and 65 of said Act. The chief ground relied on for the injunction was that the notices required by s. 66 had not been published in a newspaper or in the *Manitoba Gazette*.

Held, that as the plaintiff would have a complete and adequate remedy by way of application to quash this by-law under s. 427 of the Municipal Act in case the electors should carry it, and the council should give it the necessary third reading, an injunction should not be granted, for the equitable jurisdiction of the Court can only be invoked when the applicant has no adequate remedy at law.

Weber v. Timlin, 34 N.W.R. 29, followed. *Helm v. Corporation of Port Hope*, 22 Gr. 273; *Darby v. City of Toronto*, 17 O.R. 554, and *King v. City of Toronto*, 5 O.L.R. 163, distinguished.

Motion dismissed with costs in the cause to the defendants in any event.

A. J. Andrews and *Burbidge*, for plaintiff. *E. L. Taylor* and *D. Forrester*, for defendants.

Province of British Columbia.

SUPREME COURT.

Full Court.] **REX v. JENKINS.** [Nov. 23, 1908.

Criminal law—Appeal—Case stated—Circumstantial evidence—Identity—Weight of evidence—Code ss. 1017, 1018, 1021.

The deceased was murdered, according to the only eye-witness, a girl of about 14 years, by a dark man, with a fat face, dressed in brown trousers, in the seat of which was a rent. He