
 REPORTS AND NOTES OF CASES.

 Dominion of Canada.

 SUPREME COURT.

TWO MOUNTAINS ELECTION.

Que.]

ETHIER v. LEGAULT.

[Feb. 18.]

Controverted election—Lost record—Substituted copy—Judgment on preliminary objections—Discretion of court below—Jurisdiction.

The record in the case of a controverted election was produced in the Supreme Court of Canada on an appeal against the judgment on preliminary objections and, in re-transmission to the court below, the record was lost. Under the procedure in similar cases in the province where the petition was pending, a record was reconstructed in substitution of the lost record, and upon verification as to its correctness, the court below ordered the substituted record to be filed. Thereupon the respondent in the court below raised preliminary objections traversing the correctness of a clause in the substituted petition which was dismissed by the judgment appealed from.

Held, that, as the judgment appealed from was not one upon a question raised by preliminary objections, nor a judgment upon the merits at the trial, the Supreme Court of Canada had no jurisdiction to entertain the appeal, nor to revise the discretion of the court below in ordering the substituted record to be filed. Appeal dismissed with costs.

Belcourt, K.C., for appellant. *Beaudin*, K.C., for respondent.

N.S.]

BROWN v. MOORE.

[Feb. 18.]

Statutory publication—Penal statute—Wholesale purchase—Liquor license Guarantee—Validity of contract—Forfeiture—Nova Scotia License Act Practice.

An agreement guaranteeing payment of the price of intoxicating liquors sold contrary to statutory prohibition is of no effect.

The imposition of a penalty for the contravention of a statute avoids a contract entered into against the provisions of the statute. Appeal dismissed with costs.

J. J. Ritchie, K.C., for appellant. *Borden*, K.C., for respondent.