

right. On the dissolution of the firm Rennie bought out Cox, and I should find on the evidence against there being any agreement prohibiting the use of Cox's name. It may well be that Cox thought that the right to use his name came to an end on the dissolution of the partnership. If so, he was in error. *Burchall v. Wilde*, [1900] 1 Ch. 551; *Smith v. Greer*, 7 O. L. R. 332.

The action fails and must be dismissed; but as I think the defendants' conduct in their dealing with W. G. Cox and endeavouring to bolster up the right to use the name "Cox" by the agreement made with him, is reprehensible, I give them no costs.

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HON. MR. JUSTICE MIDDLETON.

APRIL 29TH, 1914.

WALL v. OTTAWA.

COUILLARD v. OTTAWA.

6 O. W. N. 291.

*Elections—Municipal — License Reduction—Voting on—Form of Ballot—Order Quashing By-law.*

In voting on license reduction by-laws the Municipal Act form 20 requires the voter to mark his ballot "for the by-law" or "against the by-law."

MIDDLETON, J., held, that a ballot asking "are you in favour of limiting the number of licenses, etc., requiring the voter to mark his ballot "Yes" or "No" was an entire different form of ballot from that prescribed by the legislature and could not be upheld.

*Re Milne & Thorold*, 25 O. L. R. 420, followed.

*Re Hickey & Orillia*, 17 O. L. R. 317, referred to.

Motions attacking two by-laws of the City of Ottawa for the reduction of the number of shop licenses and tavern licenses respectively.

James Haverson, K.C., for motion in each case.

W. E. Raney, K.C., for city.

HON. MR. JUSTICE MIDDLETON: — The by-laws were passed under the Act, 1 Geo. V. ch. 54, sec. 21, now found as sec. 16 of the Liquor License Act, R. S. O. 1914, ch. 215. Under this section the council of a city is compelled to submit to the electorate a by-law limiting the number of tavern or shop licenses. Under sec. 28 the council of a town, village or township may itself limit the number of licenses.

The voting upon the by-law is regulated by the provisions of the Municipal Act, which provides a form of ballot paper,