

Such determination was made and filed in the Registry of the Supreme Court of Newfoundland on the 25th day of October 1962.

Now after the expiration of eight days from the day we gave our decision we hereby certify to the Honourable the Speaker that our decision and determination is as set forth in paragraphs numbered 1 and 2 above and we append hereto

* (a) a copy of the notes of evidence;

(b) copies of our individual reasons.

Dated the 5th day of November 1962

R. S. FURLONG
Chief Justice

H. A. WINTER
Judge

* (The Notes of Evidence accompanying the foregoing Certificate recorded as Appendix No. 1 to the Journals)

1962 No. 665

IN THE SUPREME COURT OF NEWFOUNDLAND

IN THE MATTER OF
THE DOMINION CONTROVERTED ELECTIONS ACT
AND

IN THE MATTER OF THE PETITION OF
WILLIAM J. BROWNE, CANDIDATE FOR
THE RIDING OF ST. JOHN'S WEST,
NEWFOUNDLAND

PETITIONER

AND
RICHARD CASHIN

RESPONDENT

October 10, 1962.

JUDGMENT OF FURLONG, C. J.

In these proceedings, which come to us by way of a Petition under the Dominion Controverted Elections Act, the Court is asked to declare that the election held in the Riding of St. John's West be void.

The petitioner is the Hon. W. J. Browne who was a candidate at the said election, and the respondent is Richard Cashin who has been declared to have been elected.

The election was held on June 18th, 1962, and the official count was conducted by the Returning Officer on July 3rd and 4th, 1962. The petitioner being dissatisfied with the count, application was made by him for a judicial recount, as is provided for by the Canada Elections Act, and this recount was conducted by His Honour, Judge W. L. Whelan, judge of the District Court of St. John's West. The result of the recount showed that the petitioner, Mr. Browne had a majority of 185 votes, excluding the votes of Canadian Forces electors, but as the respondent, Mr. Cashin received a majority of 209 votes of these Canadian Forces electors, he was declared elected by a majority of 24 votes, the final result of the voting being William J. Browne 12,626, Richard Cashin 12,650 and Stanley M. Ross 281. Due notice of the return in this riding was first published in the Canada Gazette on July 23rd, 1962.