

In the Supreme Court of Canada.

MONDAY, the 27th day of February, A.D. 1888.

Present :

The Honourable Sir *William Johnstone Ritchie*, Knight, Chief Justice,
do Mr. Justice *Strong*,
do Mr. Justice *Fournier*,
do Mr. Justice *Henry*,
do Mr. Justice *Taschereau*,
do Mr. Justice *Gwynne*.

THE DOMINION CONTROVERTED ELECTIONS ACT.

Election of a Member of the House of Commons for the Electoral District of *L'Islet*, holden on the fifteenth and twenty-second days of February, in the year of Our Lord one thousand eight hundred and eighty-seven.

Between

FABIEN BÉLANGER,

(*Petitioner in the Court below*), *Appellant* ;

and

PHILLIP BABY CASGRAIN,

(*Respondent in the Court below*), *Respondent*.

The appeal of the above named Appellant, *Fabien Bélanger*, from the judgment of the Honourable Mr. Justice *Pelletier*, one of the Justices of the Supreme Court for Lower Canada, sitting for the District of *Montmagny*, rendered in the above cause on the third day of January, in the year of our Lord one thousand eight hundred and eighty-eight, which said judgment is in the words and figures following, that is to say :—

(*Translation.*)

“The third day of January, 1888.

“*Present in Chambers :*

“The Honourable *H. C. Pelletier*.

“Parties heard on Respondent's motion to the effect that the trial in the cause be declared to be barred by limitation (*périmée*) because it was not commenced within six months from the presentation of the said Election Petition, and on the Petitioner's motion asking that a day and place be appointed for the commencement of the said trial; and, inasmuch as the law does not give power to the Judge or to the tribunal to commence the trial of an Election Petition after the expiration of six months from the presentation thereof, unless the delays have been enlarged, Respondent's motion is granted, and the trial in this cause is declared to be barred by limitation (*périmée*), and respondent is declared duly elected, and Petitioner's motion is also dismissed, but without costs.

“(Signed)

H. C. PELLETIER.

“*J. S. C.*”

Having come on to be heard before this Court this day in the presence of Counsel as well for the Appellant as for the Respondent, whereupon, and upon hearing what was alleged by Counsel for the said Appellant, Counsel for Respondent not being called upon, this Court did order and adjudge that the said appeal should be, and the same was quashed for want of jurisdiction.