

4. Per ANGLIN and BRODEUR, JJ.:—The protection afforded by the provisions of the Quebec Public Health Act, cannot be invoked in favour of proceedings taken by a food inspector who has acted without exercising his independent judgment in regard to the condemnation of food as deleterious to the public health, but merely for the purpose of carrying out instructions received by him from municipal officials.

In the result, the finding of the trial judge, that the food in question was fit for human consumption (Q.R. 39, S.C. 520), being supported by evidence, was not disturbed, and the effect of the judgment appealed from (1 D.L.R. 160), was affirmed with a variation of the order making absolute the injunction against the defendant interfering therewith.

Appeal dismissed with costs.

Atwater, K.C., and *Aimé Geoffrion*, K.C., for appellant.
Dale-Harris, for respondents.

Alta.]

CROSS v. CARSTAIRS.

[Feb. 21.

Appeal—Jurisdiction—Provincial election—Alberta Controverted Elections Act—Preliminary objections—Judicial proceeding—Final judgment.

Held, 1. Per DAVIES, IDINGTON and ANGLIN, JJ., that under the provisions of the Alberta Controverted Elections Act, the judgment of the Supreme Court of the province in proceedings to set aside an election to the Legislature is final and no appeal lies therefrom to the Supreme Court of Canada.

2. Per DUFF, J., that a proceeding under said Act to question the validity of an election is not a "judicial proceeding" within the contemplation of section 2(c) of the Supreme Court Act in respect of which an appeal lies to the Supreme Court of Canada.

Per BRODEUR, J., that the judgment of the Supreme Court of Alberta on appeal from the decision of a judge on preliminary objections filed under the Controverted Elections Act, is not a "final judgment" from which an appeal lies to the Supreme Court of Canada.

Appeal quashed with costs.

Ewart, K.C. for the motion. *Lafleur*, K.C., and *O. M. Biggar*, contra.