Supreme Court of Canada

White v. Greenwood (Shelburne Election Case), (1891) 20 SCR 169

Date: 1891-11-03

CONTROVERTED ELECTIONS FOR THE ELECTORAL DISTRICTS OF

Shelburne, N. S. (White v. Greenwood); Annapolis, N. S. (Mills v. Ray); Lunenburg, N. S. (Kaulbach v. Eisenhauer); Anti-Gonish, N. S. (Thompson v. McGillivray); Pictou, N. S. (Tupper v. McColl); and Inverness, N. S. (McDonald v. Cameron).

1891: Nov. 2, 3.

Present.:—Sir W. J. Ritchie C.J., and Strong, Fournier, Taschereau, Gwynne and Patterson JJ.

Election petitions—Preliminary objections—Service of petition—Security—R. S. C. ch. 9 s. 10 and s. 9 (e) and (g).

In all these cases the appeals were from the decisions of the courts below dismissing preliminary objections to the election petitions presented against the appellants.

The questions raised on these appeals were also, 1st, whether a personal service on the respondent at Ottawa without or with an order of the court at Halifax, or at his domicile, is a good service. 2nd, Whether the payment of the security required by sec. 9 — *(e)* into the hands of a person who was discharging the duties of and acting for the prothonotary at Halifax, and a receipt signed by said person in the prothonotary's name—sec. 9 *(g)* were valid.

The court following the conclusion arrived at in the *King's County (N. S.)[[1]](#footnote-1)* and *Queen's County (P.E.I.) Election Cases[[2]](#footnote-2)*, held the service and payment of security valid and a substantial compliance with the requirements of the statute.

Appeals dismissed with costs.

*McCarthy* Q.C. and *J. A. Ritchie* for appellants

*E. T. Congdon* for respondents.

1. 19 Can. S. C. B. 526. [↑](#footnote-ref-1)
2. 20 Can. S. C. R. 26. [↑](#footnote-ref-2)