

**DISCRETIONARY ORDER.***Dismissing petition under Real Property Act.*

See REAL PROPERTY ACT, 5.

*Setting aside judgment by default under Bills of Exchange Act and granting leave to defend.*

See JUDGMENT, 2.

**DISEASES OF ANIMALS ACT.***Sale of horse—Contagious disease—Caveat empilor.*

See SALE OF GOODS, 2.

**DISMISSAL FOR WANT OF PROSECUTION.**

See REAL PROPERTY ACT, 7.

**DISPUTE NOTE.***County Court—Jurisdiction of—Title to land—Effect of raising objection to jurisdiction in dispute note.*

See PROHIBITION, 3.

**DISTRESS.***Execution against goods—Landlord's bailiff in possession before seizure under execution—Effect of sheriff seizing after seizure by landlord.*

See EXECUTION.

**ELECTION PETITION.**

1. *Preliminary objections—Service of.]—The Manitoba Controverted Elections Act, R. S. M. c. 29, s. 37, provides that "Within five days after the service of the petition . . . the respondent may produce any preliminary ob-*

*jections, or grounds of insufficiency, which he may have to urge against the petitioner or against the petition; . . . he shall in such case at the same time file a copy of such objections or grounds for the petitioner."*

Rule 14 after dealing with the subject of filing preliminary objections says, "and shall serve a copy thereof."

The respondent filed a copy of his preliminary objections for the petitioner, and then under rule 14, obtained a summons to dispose of these objections. There was no evidence to show whether they had been served or not.

*Held*, that there being no evidence to show that a copy of the preliminary objections had not been served, it must be assumed that the Judge who issued the summons, was satisfied with the regularity of the respondent's proceedings up to that time. *Re St. Boniface Election.* . . . . 446

2. *Preliminary objections—Status of petitioner—Onus of proof—Security for costs—Current money of Canada.]—A petitioner against the election of a member to the Provincial Legislature, who was not a candidate, must, if the objection is taken by preliminary objection, establish his status by producing a properly verified copy of the list of electors and some evidence of his identity with some person whose name appears thereon.*

*Stanstead Election Case*, 20 S.C. R. 12, followed.

The security for costs required to be given by R. S. M. c. 29, s. 22, must be in gold coin or Dominion notes. *Re St. Boniface Election*, 474.