

insufficiently stopped. The plaintiffs thereupon applied to add the water company as defendants. Bigham, J., granted the application; and from this order the County Council appealed, contending that the plaintiffs' cause of action, if any, against the water company, was separate and distinct from the cause of action against the County Council, and, therefore, that they could not be joined in the same action, and with this contention the Court of Appeal (Smith, Collins and Romer, L.JJ.) agreed, and reversed the order of Bigham, J. The appellants relied on *Bennetts v. McIlwraith* (1896) 2 Q.B. 164 (noted ante, vol. 33, p. 106), but the Court distinguished that case from the present on the ground that that was a case of alternative relief, there being but one contract on which one or the other defendant was liable. Here, if the water company was liable, it was for a distinct and separate tort for which the County Council had no liability.

MUNICIPAL ELECTION—DISQUALIFIED PERSON NOMINATED—RIGHT OF DISQUALIFIED CANDIDATE TO CONTEST ELECTION—MUNICIPAL CORPORATIONS ACT, 1882 (45 & 46 VICT., c. 50), ss. 77, 88—(R.S.O., c. 223, ss. 80, 219).

Harford v. Linskey (1899) 1 Q.B. 852, was a controverted municipal election proceeding, in which the simple point for adjudication was whether a person disqualified by reason of his interest in a contract with the municipality from being elected to the office of councillor, but who, notwithstanding such disqualification, had in fact been nominated as a candidate for election, could as a "candidate" contest the election. The Municipal Corporations Act, 1882, s. 77, defines a "candidate" as "a person elected, or having been nominated, or having declared himself a candidate for election." Wright and Bruce, JJ., held that although the petitioner was disqualified for election, yet as he had been de facto nominated he was a candidate within the meaning of s. 77, and entitled to contest the election. The Ontario Municipal Act (R.S.O., c. 223) also authorizes a candidate to contest an election, and probably under that Act a de facto candidate would have the necessary status, although that Act does not contain the English definition of "candidate."