

*Held*, as to the first plea (DUNN, J., dissenting), that it showed sufficient grounds in equity for granting relief to the defendant, as the contract was shown to have been entered into solely in consequence of threats and undue influence, and not voluntarily, and that the defendant was not a free agent, but acted under the influence of fear.

*McClatchie v. Haslam*, 65 L.T.N.S. 691, and *Asbaldiston v. Stewart*, 13 Sim. 513, followed.

*Held*, also, that the plea of counterclaim could not be supported, as it did not show that the payment in question had been made in consequence of any fresh threats or undue influence or pressure.

Demurrer to first plea overruled, and to second plea allowed without costs of rehearing in either case.

*Tupper*, Q.C., and *Phippen* for the plaintiff.

*Howell*, Q.C., and *Machray* for the defendant.

Full Court.]

WARK T. CURTIS.

[July 9.

*Demurrer*—*Allegation that defendant contracted by deed—Contract not under seal signed by one partner in firm's name without authority from co-partner—Partner signing liable.*

Rehearing of demurrer allowed by TAYLOR, C.J.

The Full Court reversed the judgment noted *ante* p. 290, and overruled the demurrer on the ground that it was not alleged in the count demurred to that the agreement set out had been executed under seal. The agreement, as given *verbatim* in the declaration, concluded with the words: "In witness whereof the said parties hereto have hereunto set their hands and seals," and the signatures were copied with the letter "S" after each, but the declaration did not allege that the defendant contracted by deed or under seal, and the court held that they could not infer from the use of the words quoted that the agreement had been under seal.

Appeal allowed, and demurrer overruled without costs.

*Hagel*, Q.C., for the plaintiff.

*Culver*, Q.C., for the defendant.

Full Court.]

THE QUEEN v. HOLMAN.

[July 9.

*Dominion Elections Act, R.S.C., c. 8—Ballot-box stuffing—Deputy returning officer not formally appointed can be convicted under s. 100, s.s. (c), if he has acted in the office.*

This was a case reserved for the opinion of the court as to whether a deputy returning officer who acted as such, but was not appointed by a commission under the hand of the returning officer, as prescribed by s. 30 of the Dominion Elections Act, R.S.C., c. 8, can be convicted of the misdemeanour made punishable by s.s. (c) of s. 100 of the Act.

The accused acted during the whole of the polling day as deputy returning officer at one of the polling booths. He had received from the returning officer