

of Tarte, without his having previously taken the means provided by law to secure the public peace, was a colorable employment, and therefore respondent, through his agent, Tarte, was guilty of a corrupt practice.

Davidson, Q. C., for Appellant.

Angers, Q. C., & Pelletier, Q. C., for Respondent.

LARUE, Appellant, v. DESLAURIERS, Respondent.

Supreme Court Act, Sec. 4—Right to send back record for further adjudication—Corruption—Insufficiency of return of election expenses—Personal expenses of candidate to be included.

The original petition came before Mr. Justice McCord for trial, and was tried by him on the merits subject to an objection to his jurisdiction. The learned judge, having taken the case *en délibéré*, arrived at the conclusion that he had no jurisdiction, declared the objection to his jurisdiction well founded, and "in consequence the objection was maintained, and the petition of the petitioner was rejected and dismissed."

This judgment was appealed from, and the now respondent, under sec. 48 of the Supreme Court Act, limited his appeal to the question of jurisdiction, and the Supreme Court allowed the appeal.

Held, that Mr. Justice McCord had jurisdiction, and it was ordered that the record be transmitted to the proper officer of the lower Court, to have the said cause proceeded with according to law.

Held, that the Court could not, even if the appeal had not been limited to the question of jurisdiction, have given a decision on the merits, and that the order of this Court remitting the record to the proper officer of the Court *à quo* to be proceeded with according to law, gave jurisdiction to Mr. Justice McCord to proceed with the case on the merits, and to pronounce a judgment on such merits, which latter judgment would only be properly appealable under sec. 48, Supreme Court Act, (Fournier and Henry, J.J., dissenting.)

The charge upon which this appeal was principally decided was that of the respondent's bribery of one David Apelin. During the election canvass, the respondent gave Apelin, at whose house he stopped two or three times, \$5 for the trouble he gave him. Apelin swore it was not worth more than \$1. This amount,

together with other amounts paid out by the appellant during the election canvass, was not furnished to his agent as part of his personal expenses, and did not appear in the official statement of the legal expenses of the appellant furnished to the returning officer.

Held, that the candidate is bound to include in the published statement of his election expenses his personal expenses, and as appellant had not included in the said return the said amount of \$5, and Apelin had not earned more than \$1, the payment to Apelin by respondent of \$4 more than was due, was an act of personal bribery.

The judgment of McCord, J., (6 Q. L. R. p. 100) on the other charges was also affirmed.

Langelier, Q. C., for Appellant.

Amyot, for Respondent.

McGREEVY, Appellant, v. PAILLE, Respondent.

Answers to Interrogatories—C. C. P. 228, 229.

The Superior Court at Three Rivers, by its judgment, which was confirmed by the judgment of the Court of Queen's Bench, condemned the appellant McGreevy to pay to the respondent the sum of \$3,090.89, for the balance due on the price and value of railway ties made and delivered to the appellant, in accordance with a contract signed by his brother R. McGreevy, and the respondent Paille. In answer to certain interrogatories which referred to all the matters in issue between the parties, the appellant answered, either, "I do not know," or, "I have no personal knowledge."

Held, that such answers are not categorical, explicit and precise, as required by arts. 228 and 229, C. P. C., and that the facts mentioned in these interrogatories must be taken as *pro confesso*, and sufficiently proved the plaintiff's case.

Irvine, Q. C., for Appellant.

Hould, for Respondent.

RYAN, Appellant, v. RYAN, Respondent.

Statute of Limitations—Possession as caretaker—Tenancy at will—Finding of the Judge at the trial.

The plaintiff's father, who lived in the township of Tecumseh, owned a block of 400 acres of land, consisting respectively of lots 1 in the 13th and 14th concessions of the township of