

As to the election now in question, more than 100 witnesses were examined on behalf of the relator in support of this application, the greater number being examined as to the number of times they voted for aldermen. It was shewn by these witnesses that there were at least 90 votes polled which should not have been polled, according to the Act of 1901.

J. M. McEvoy, London, for relator.

E. E. A. DuVernet and W. K. Cameron, St. Thomas, for respondents.

THE MASTER held that the evidence wholly failed to support the allegation that these votes were cast by the deliberate corrupt and wilful connivance and arrangement of the defendants; but, on the contrary, these votes were cast in the honest belief of the voters that they had the right to cast such votes, and without any instruction from any of the candidates to vote for them more than once. The casting of such ballots was wholly irregular, and they should not have been allowed by the deputy returning officers, if they were aware that the voters had already voted. *Rex ex rel. Tolmie v. Campbell*, 4 O. L. R. 25, referred to. Even if the 90 votes improperly polled were struck off, that would not necessarily interfere with the result of the election, owing to the large majorities of at least 10 of the candidates elected over the first unsuccessful candidate. The election of the successful candidates was not affected by the improper votes being counted, and in other respects there was no such irregularity in the carrying out of the election as to affect the result.

Motion refused with costs.

WINCHESTER, MASTER.

SEPTEMBER 19TH, 1902.

CHAMBERS.

SLATER SHOE CO v. WILKINSON.

Discovery—Production of Documents—Correspondence after Action Begun—Information for Defence—Privilege—Examination for Discovery—Undertaking to Produce Documents—Particulars.

Motion by plaintiffs for a better affidavit on production from defendant and for particulars. The action was for an injunction restraining defendant from advertising, selling, or exposing for sale boots or shoes as "Slater shoes," "Slater goods," or "The Slater shoe," or under any name or description of which the name "Slater" forms part, without clearly