

TEETZEL, J.:—The trial of the petition, other than the scrutiny, took place in September, 1905, and after an appeal from rulings of the trial Judges in regard to certain votes which the petitioner objected to, the matter of the scrutiny came before me in July last at Port Arthur, and several votes given for the respondent were struck off, and in the result so far the petitioner appeared to be in a majority. The parties not being ready to proceed to complete the scrutiny, the further trial of it has been adjourned from time to time until 7th January next.

The respondent has already filed and served particulars of votes objected to by him.

The petitioner contends that I have no discretion, under Rule 24 of the General Rules respecting the trial of election petitions, to allow the respondent to add new particulars of other votes objected to, but that the Rule aims simply at giving further details of particulars already served.

The Rule reads as follows: "The Court or a Judge may at any time order such further particulars as may be necessary to prevent surprise and unnecessary expense, and to ensure a fair and effectual trial, in the same manner as in ordinary proceedings in the High Court of Justice, and as prescribed by the said Act, and upon such terms as may be ordered."

Rule 20 provides for the particulars being served 14 days before the trial.

In the absence of precedent, I am of opinion that the Rule has not the limited meaning urged by the petitioner, but that, for the purposes of ensuring a fair and effectual trial, the Court or a Judge may allow either party to serve further particulars in respect of other votes objected to than those mentioned in the original particulars. I think the word "particulars" in Rule 24 must mean particulars "of votes intended to be objected to," this being the language of Rule 20, and is not confined to further details of particulars already given.

It was also urged by the petitioner that certain votes objected to in the proposed particulars were not invalid votes, assuming the facts to be true as stated in the particulars; that is to say, those that are alleged to have voted on trans-