

ELECTION—PETITION—SCRUTINY—CLAIM OF SEAT—ELECTION PETITION RULES, 1868, RR. 6, 7—(DOMINION ELECTION RULES 6, 7).

Furness v. Beresford (1898) 1 Q.B. 495, was an election petition in which the petitioner, the unsuccessful candidate, claimed to have a scrutiny, alleging that he was entitled to the seat as having had a majority of lawful votes. The respondent applied for particulars under Election Rule 6 (see Dominion Election Rule 6), and an order was made in Chambers therefor, but on the appeal of the petitioner this order was set aside, the Court of Appeal (Smith, Chitty and Collins, L.JJ.) being of opinion that Rule 6 did not apply in such a case, but that Rule 7 (see Dom. Elect. Rule 7) was exclusively applicable thereto, notwithstanding there was an allegation in the petition that certain persons were guilty of corrupt and illegal practices, illegal payments, illegal employment, and illegal hiring at the election, and that the votes of such persons ought to be struck off the poll.

SOLICITOR—CHARGING ORDER—PROPERTY RECOVERED OR PRESERVED—SOLICITORS' ACT, 1860 (23 & 24 VICT., C. 127) S. 28—ONT. RULE 1129.

In re Humphreys (1898) 1 Q.B. 520, throws light on the construction to be placed on the new Ont. Rule 1129, which embodies in substance the provisions of the Imp. Stat. 23 & 24 Vict. 127, s. 28. That section empowers the Court to make a charging order in favour of a solicitor for the amount of his costs on the property recovered or preserved. The English Act does not contain the words "through the instrumentality of the solicitor," which are found in Ont. Rule 1129, but they probably add nothing to the force of the Rule. In this case the solicitors acting on behalf of the trustees of a bankrupt's estate were instructed to take proceedings for the arrest of the bankrupt for offences against the Debtors' Act, 1869, and he was arrested in Australia, whither he had gone with the proceeds of the sale of his stock in trade. On his arrest a sum of money, the proceeds of the sale, were found upon him, and was taken possession of by the Australian police, and under a power of attorney prepared by the solicitors, this money was handed over by the police and transmitted to the solicitors for the trustee in bankruptcy. The Court of Appeal (Smith, Chitty and Collins, L.JJ.) agreed