

If the case were that of an election scrutiny I think it would have to be held that the rejection of the vote invalidated the election, because it would be impossible to shew that the rejection of the vote might not have affected the result, the Court not being allowed in such a case to speculate on the effect of the vote to be given, and being bound to assume the possibility of the vote producing a tie and the tie being determined by the casting vote of the chairman with the result opposite to that which has occurred. But I think we are not to deal with the case as we would with an election petition. The allowance of the writ is discretionary. The writ may be denied on the ground of public policy and in consideration of general justice, all circumstances being considered and the question determined from the standpoint of public interest, and thus the Court may deny the application for leave to file an information although the facts are such that if the proceeding was entertained judgment would be given against the respondent. I think it is not in the interest of the public that an election should be disturbed which it is morally certain embodies the determination of a majority of the duly qualified voters.

MEAGHER, J.:—I do not say anything because one of the parties wrote me a letter in connection with the matter, and I merely wish to say that if such a thing occurs again I shall hand such letter to the Court and ask them to take such proceedings against the party as will put a stop to this iniquitous habit.

Motion refused.

NOVA SCOTIA.

THE FULL COURT.

DECEMBER 22ND, 1909.

IN RE JONES' TRUSTS.

*Trustees—Sale of Real Estate—Action by Cestui que trust
for Account—Expectancy.*

Appeal from the judgment of DRYSDALE, J., passing trustees' accounts.

H. Mellish, K.C. and F. L. Davidson, in support of appeal.
W. B. A. Ritchie, contra.