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OSLER, J.A. SEPTEMBER 18TH, 1902.

C. A.-CHAMBERS.

RE WEST WELLINGTON PROVINCIAL ELECTION.

PATTERSON v. TUCKER.

*Parliamentary Elections—Petition—Deposit—Payment out—Petition
Abandoned before Service—Grounds of Abandonment—Affidavits
Denying Collusion.*

Motion by solicitors for the petitioners for an order to pay out of Court the sum of \$1,000 paid in as security for costs of the petition. The application was supported by the written consent of the three petitioners, verified by affidavit; by the affidavit of one of the solicitors for the petitioners; and by a consent signed by solicitors who described themselves as solicitors for the respondent, to the order applied for. From the affidavit of the solicitor for the petitioners it appeared that the petition was presented to the Court on the 27th June, 1902, by being filed in the office of the local registrar at Guelph, and that the \$1,000 as security for costs was paid in on or about the 2nd July, 1902. Then it was stated that after the deposit had been paid into Court "those persons interested in the promotion of the petition, including the petitioners," were of opinion, "that it was not wise to proceed further with the petition," and the deponent's firm was accordingly instructed to do nothing more, and the petition was not served upon the respondent, and no further steps were taken in regard thereto.

H. G. Long, for the applicants.

OSLER, J.A.:—It may be assumed, though the petition was not before me on this application, that it was accompanied by the affidavit of the several petitioners, as required