

on their cars to all persons desiring to buy them, and to receive them from all persons in payment of fares during the hours mentioned in sec. 19 (c), I think the object of the present action will be attained without any violation of established principles, and I therefore so order and declare.

I refer to *Wilson v. Furness R. W. Co.*, L. R. 9 Eq. 28; *Greene v. West Chester R. W. Co.*, L. R. 13 Eq. 44.

Defendants must pay the costs of the action and injunction motion.

BOYD, C., TEETZEL, J.

NOVEMBER 3RD, 1904.

ELECTION COURT.

RE NORTH NORFOLK PROVINCIAL ELECTION.

SNIDER v. LITTLE.

*Parliamentary Elections—Controverted Election Petition—Costs of Charges not Investigated at Trial—Excessive Particulars—Witness Fees.*

The petition and cross-petition came on for trial before BOYD, C., and TEETZEL, J., at Simcoe. The cross-petition, not being prosecuted, was dismissed with costs. The petition was successful, and the seat was vacated with costs to follow the result, except as to the costs of uninvestigated particulars.

Argument as to these costs was heard at Toronto.

S. H. Bradford, for petitioners.

G. H. Watson, K.C., for respondent.

The judgment of the Court was delivered by

BOYD, C.—The total of votes polled was 3,400, and the respondent had a majority of 100. At the trial of the petition 16 witnesses were examined for the petitioners generally and with special reference to the particulars numbered 435, 172, 173, 171, 213, and 214, and these charges were taken up in that order. The total number of charges in the particulars of record was 685, and application was made at the hearing to add 8 or 10 more, which was held in suspense and ultimately so remained not disposed of. Upon one case of bribery being proved (and perhaps two) the respondent, by his counsel, admitted the responsibility for the corrupt act of an agent, and did not or could not claim the protection of the saving clause of the statute. Thereupon the Court declared