

N. S.] QUEEN'S AND SHELburnE ELECTION CASE. [Oct. 3.
COWIE v. FIELDING.

Controverted election—Practice—Service of petition—Second service.

An election petition cannot be served outside of Canada. Where the petition was served on the respondent abroad, and, subsequently, service was made on him in Ottawa (see ante, p. 489),

Held, that the first irregular service did not invalidate that properly made afterwards.

Appeal allowed with costs.

Roscoe, K.C., and Mellish, K.C., for appellant. Lovett and R. V. Sinclair, for respondent.

N. S.] CUMBERLAND ELECTION CASE. [Oct. 3.
PICOu ELECTION CASE.

NORTH CAPE BRETON AND VICTORIA ELECTION CASE.

Controverted election—Preliminary objection—Status of petitioner—Corrupt acts—Evidence.

Section 113 of the Dominion Elections Act, 1900, provides that any person hiring a conveyance for a candidate at an election, or his agent, for the purpose of conveying any voter to or from a polling place shall, ipso facto, be disqualified from voting at such election.

Held, 1. The right of an elector to present a petition against the return of a candidate at an election may be questioned by preliminary objection on the ground that he is disqualified under the said section, and that on the hearing of the preliminary objection evidence may be given of the corrupt acts which caused such disqualification. *Beauharnois Election Case*, 31 S.C.R. 447, distinguished.

2. Unless the commission of the corrupt acts charged is admitted, it must be judicially established. Such admission or judicial determination does not take effect merely from the time at which it is made, but relates back to the commission of the acts.

Appeal allowed with costs.

Roscoe, K.C., and Mellish, K.C., for appellant. Lovett and R. V. Sinclair, for respondent.