

the motion was made, and the defendants had served a third party notice on the Atlantic Pulp and Paper Company.

F. E. Hodgins, K.C., for plaintiffs.

W. E. Raney, for defendants.

W. R. P. Parker, for third parties.

THE MASTER held, on the correspondence between plaintiffs and defendants and the affidavits filed and the depositions of deponents on cross-examination, that the defendants had made themselves responsible to plaintiffs for payment of the account, and ordered judgment for the amount claimed with costs, but not to include the costs occasioned by the delivery of the statement of claim. He also made an order setting aside the third party notice without costs to the defendants or the third parties.

WINCHESTER, MASTER.

SEPTEMBER 18TH, 1902.

CHAMBERS.

REX EX REL. ROBERTS v. PONSFORD.

Municipal Elections—Irregularities at Polls—Aldermen of City—Election by General Vote—Voters Voting more than Once—Affecting Result.

Application by relator to set aside the election of eleven persons as aldermen for the city of St. Thomas, at the general election held on the 6th January, 1902, upon the ground that the election was not conducted according to law.

On 6th February, 1900, the city council passed a by-law providing for the election of the council by general vote, instead of by wards. The first election pursuant to the statutes and this by-law took place in 1901, when, under the Municipal Amendment Act, 62 Vict. ch. 26, sec. 13, every elector was permitted to vote in each ward in which he had been rated for the necessary property qualification for councillors or aldermen. On the 15th April, 1901, the Act 1 Edw. VII. ch. 26, sec. 9, was passed, adding to sec. 158 of the Municipal Act the following section:—"158a. In towns and cities where the councillors or aldermen are elected by general vote, every elector shall be limited to one vote for the mayor and one vote for each councillor or alderman to be elected for the town or city, and shall vote at the polling place of the polling sub-division in which he is a resident, if qualified to vote therein; or when he is a non-resident or is not entitled to vote in the polling sub-division where he resides, then where he first votes, and there only. . . ."