

according to law and the rules of said Court, and no copy thereof was filed, presented or delivered according to law, and because said order was issued and obtained irregularly, deceptively and not according to law, and on unfounded statements in petitioner's affidavit, and that the petitioner pay the costs of this application, unless cause to the contrary be shewn before me on Friday, the 10th day of April, instant, at Chambers in the County Court House at eleven o'clock. A. M.

Halifax, 2nd April, A. D. 1874.

(Signed)

JAMES W. JOHNSTON,
Judge of Election Court.

The above rule was afterwards extended on account of the illness of the Judge, until the seventeenth day of April, A. D. 1874, and was on that day argued before James W. Johnston, Esq., Q. C., Judge of the Election Court, by Hon. James McDonald for the Petitioner, and by Hon. S. L. Shannon, Q. C., and Robert L. Weatherbe, Esq., on behalf of the Respondent. The facts alleged in the affidavits produced at the argument, as well as those contained in the affidavits on which the above rules were taken out, are sufficiently stated in the following judgment:

JAMES W. JOHNSTON, Esq., Q. C., Judge *ad hoc*, now (May 1, 1874) delivered the following judgment:—

On the 27th March last I, as one of the Judges of the Election Court for the Province of Nova Scotia,—on the affidavit of the petitioner and on motion of his Counsel, the Hon. James McDonald,—made an order extending the time for the service of the petition for a period of fourteen days from the date of such order.

On the 2nd day of April last, on application of Mr. Weatherbe on behalf of the Respondent, I granted an order nisi to shew cause why the petition and publication thereof, and the above order, should not be set aside—on the grounds set forth in the rule nisi. This rule was subsequently argued before me by the Hon. James McDonald for the Petitioner, and by Messrs Shannon and Weatherbe on behalf of the Respondent.

I consider that the 51st of the General Rules of the Election Court for the Province of Nova Scotia, referring all interlocutory questions and matters to one of the election Judges, gives me jurisdiction to hear and dispose of the rule nisi.