

somewhat hazardous, under these circumstances, to pronounce that this Court has now clear and distinct jurisdiction—for no doubt should exist—over absent debtors who are absent only by reason of their residence abroad. When the legislature enacts so, the Courts will give effect to such enactment, but until this is done in clear and unequivocal language no Court should sanction the use of its process to the possible injury and loss of suitors by reason of its want of jurisdiction.

In the case before us the defendant is a resident of Winnipeg, and has been so, as appears by affidavit, for the past ten years, a fact not denied.

The most this Court can say in such a case is that it does not appear by the Absent Debtor Acts now in force in this province that it has jurisdiction where the debtor is absent only by reason of his residence abroad.

The rule will be made absolute and the judgment set aside with costs.

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### PRINCE EDWARD ISLAND.

SUPREME COURT.

JUNE 29TH, 1909.

### MCEACHERN v. HUGHES.

*Senate and House of Commons Act, R. S. C. c. 10, sec. 15*  
*—Member of House Selling Goods to the Government of*  
*Canada—Action to Recover Penalty under Section 16—*  
*Venue—Imperial Act, 31 Eliz., Cap. 5.*

Stewart, K.C., and Mathieson, K.C., for plaintiff.

Attorney-General Haszard, K.C., and Johnston, K.C.,  
 for defendant.

The judgment of the Court was delivered by

FITZGERALD, J.:—The defendant sued for a violation of sec. 15 of the Senate and House of Commons Act, R. S. C. ch. 10, for that he, whilst he was a member of the House of Commons of Canada, knowingly sold goods, wares and merchandise to the Government of Canada, and was interested in a contract with the Government.