

Province of Ontario.

COURT OF APPEAL.

Osler, J.A.] IN RE NORTH YORK PROVINCIAL ELECTION. [Dec. 28, 1903.
KENNEDY v. DAVIS.

Parliamentary elections—Controverted election petition—Examination of respondent for discovery—Inquiry into corrupt practices committed at former election—Scope of—Lengthy examination—Discretion—Adjournment—Continuation.

Corrupt practices said to have been committed by the respondent to a controverted election petition at a former election, on the petition against which he was declared to have been duly elected, cannot, as such and as committed with reference to that election, be inquired into for the purpose of invalidating the election in question. Therefore, the petitioner has no right, upon the examination of the respondent for discovery, to make a general inquiry into such corrupt practices, unless it can be shewn that they are in some way connected with and are still operative upon the election in question.

Where a question was asked with reference to a discussion between the respondent and another person before the previous question, coupled with a statement that the discussion was alleged to have been renewed at the election in question :

Held, that the question should be answered.

If an examination for discovery is not connected with discretion or becomes oppressive, the court is empowered to declare that it shall be closed.

Where the examination was continued until late at night, when the examiner became exhausted and was unable to proceed further with it :

Held, that the respondent must attend for further examination.

S. B. Woods, for petitioner. *Aylesworth*, K.C., for respondent.

HIGH COURT OF JUSTICE.

Cartwright, Master.] Noxon Co. v. Cox. [Nov. 26, 1903.
Venue—Change of Contract giving jurisdiction where plaintiffs' head office is.

In an action brought in the County Court of the county where the plaintiffs' head office was located, on an agreement, which contained a provision "that on default in payment, suit therefore may be entered, tried