

DIARY FOR MAY.

1. Tues. ... Supreme Court sittings. St. Philip and St. James.
2. Wed. ... Sup. Ct. of Can. sits. J. A. Boyd, 4th Chan., 1831.
3. Sun. ... 5th Sunday after Easter.
7. Mon. ... Lord Brougham died, 1868, æt 90.
8. Tues. ... Ct. of App. sits. Gen. Ses. and C. C. sit. for trials in York. 1st Inter. Exam.
10. Thur. ... 2nd Inter. Exam. Ascension Day.
13. Sun. ... 1st Sunday after Ascension.
15. Tues. ... Solicitors' Examination.
16. Wed. ... Barristers' Examination.
20. Sun. ... Whit Sunday.
21. Mon. ... L. S. Easter Term begins. H. C. J. sit. begin. Confederation proclaimed, 1867. Lord Lyndhurst born, 1772.
24. Thur. ... Queen Victoria born, 1819.
25. Fri. ... Princess Helena born, 1846.
27. Sun. ... Trinity Sunday.
28. Mon. ... Battle of Fort George, 1813.
31. Thur. ... Parliament of U. C. first met at Toronto, 1797.

Early Notes of Canadian Cases.

SUPREME COURT OF CANADA.

ELECTION CASE.

GLENGARRY CONTROVERTED ELECTION CASE.

Election petition—Ruling by judge at trial—Appealable—Dominion Controverted Elections Act—R. S. C. c. 9, ss. 32, 33 and 50—Construction of—Time—Extension of—Jurisdiction.

Present—SIR W. J. RITCHIE, C.J., and FOURNIER, HENRY, TASCHEREAU and GWYNNE, JJ.

Held, 1.—That the decision of a judge at the trial of an election petition overruling an objection taken by respondent, as to the jurisdiction of the judge to go on with the trial, on the ground that more than six months had elapsed since the date of the presentation of the petition, is appealable to the Supreme Court of Canada, under s. 50 (b), c. 9, R. S. C. GWYNNE, J. dissenting.

2. In computing the time within which the trial of an election petition shall be commenced, the time of a session of Parliament shall not be excluded, unless the court or judge has ordered that the respondent's presence at the trial is necessary. GWYNNE, J., dissenting.

3. The time within which the trial of an election petition must be commenced, cannot be enlarged beyond the six months from the presentation of the petition, unless an order has been obtained on application made within said six months.

An order granted on an application made after the expiration of the said six months is an invalid order, and can give no jurisdiction to try the merits of the petition, which is then out of court. RITCHIE, C.J., and GWYNNE, J., dissenting.

Appeal—allowed with costs.

Blake, Q.C., and Cassels, Q.C., for appellant. Macmaster, Q.C., for respondent.

SUPREME COURT OF JUDICATURE FOR ONTARIO.

COURT OF APPEAL.

ELECTION CASE.

Court of Appeal.] [Jan. 10.

In re ALGOMA DOMINION ELECTION PETITION.

BURK v. DAWSON.

Elections—R. S. C. c. 9, ss. 32, 33, construction of—Time for trial of petition—Extending time.

The petition was presented on the 6th May, 1887, during a session of Parliament which ended on 23rd June, and issue was joined on 3rd June; no application was made or steps taken after that until the 6th December, 1887, when the petitioner applied to have a time and place appointed for trial, and to have the time for the commencement of the trial enlarged.

The last part of s. 32 of the Controverted Elections Act, R. S. C. c. 9, is as follows:—

"The trial of every election petition shall be commenced within six months from the time when such petition has been presented, and shall be proceeded with from day to day until such trial is over; but if at any time it appears to the court or judge that the respondent's presence at the trial is necessary, such trial shall not be commenced during any session of Parliament; and in the computation of any time or delay allowed for any step or proceeding in respect of any such trial, or for the commencement thereof as aforesaid, the time occupied by such session of Parliament shall not be included."

Held, PATTERSON, J.A., dissenting, that the exception in the last clause is confined to a