

It is not disputed that the petitioner John McLaughlin is the same person who was the defeated candidate at the election; and if the question had depended on the statute alone, that fact would be sufficient to support the petition, for the statute says it may be presented by a person who was a candidate.

The rule, however, goes further, and requires the petition to contain a statement of the right of the petitioner to petition as defined by the Act. In the present case the petitioner's right to petition is the fact that he was a candidate at the election.

The question is, does this petition contain a statement of that fact?

I think it does contain a sufficient statement of that fact. The petitioner is John McLaughlin, of the township of Roxborough, farmer, and it states that John McLaughlin, of the township of Roxborough, farmer, was one of the candidates at the election. I think that, reading the document alone, the petitioner and the candidate, upon a fair construction of it, must be taken to be one and the same person. There might be a latent ambiguity, but none is shewn, the other John McLaughlin in the constituency residing in a different township and being of a different occupation.

I dismiss the motion, but without costs, as I think the petition not carefully drawn, whereby the motion was invited.

See *Re Centre Bruce*, lately before Mr. Justice Osler (ante, p. 503).

FALCONBRIDGE, C.J.

JULY 15TH, 1902.

CHAMBERS.

HEPBURN v. VANHORNE.

*Judgment Debtor—Examination of—Unsatisfactory Answers—Preference—Committal.*

Motion by plaintiff under Rule 907 to commit defendant for unsatisfactory answers upon his examination as a judgment debtor.

J. H. Moss, for plaintiff.

W. E. Middleton, for defendant.

FALCONBRIDGE, C.J., held that the debtor had not refused to answer, nor had he so equivocated as to render his answers not "satisfactory" answers. He had made a pretty full disclosure of what he had done. On his own shewing he had preferred his wife to other creditors, and to plaintiff