

P. E. Island.]

QUEEN'S COUNTY ELECTION.

DAVIES AND WELSH V. HENNESSY.

Election Petition—Preliminary objections—Personal service at Ottawa—Security—Receipt—R. S. C. ch. 9, secs. 8 & 9, subsecs. (e) and (g) and sec. 10.

In Prince Edward Island two members are returned for the Electoral District of Queen's County. With an election petition against the return of the two sitting members, the petitioner deposited the sum of \$2,000 with the deputy prothonotary of the Court, and in his notice of presentation of the petition and deposit of security he stated that he had given security to the amount of \$1,000 for each respondent, "in all two thousand dollars duly deposited with the prothonotary as required by statute." The receipt was signed by W. A. Weeks, the deputy prothonotary appointed by the Judges, and acknowledges the receipt of \$2,000, without stating that \$1,000 was deposited as security for each respondent. The petition was served personally on the respondents at Ottawa.

Held, 1. That personal service of an election petition at Ottawa, without an order of the court, is a good service under section 10 of the Controverted Elections Act.

2. That there being at the time of the presentation of the petition security for the amount of \$1,000 for the costs of each respondent under the control of the court, the security given was sufficient. Secs. 8 and 9 subsec. "e". Ch. 9, R. S. C.

3. That the payment of the money to the deputy prothonotary of the court at Charlottetown was a valid payment. Sec. 9, subsec. (g) Ch. 9, R. S. C.

Appeal dismissed with costs.

Peters, Q. C., for appellants.

W. A. Morson for respondent.

Quebec.]

STANSTEAD ELECTION.

RIDER V. SNOW.

Election Appeal—Preliminary Objections—Status of petitioner—Onus probandi.

By preliminary objections to an election petition the respondent claimed that the petition should be dismissed *inter alia*,

"14. Because the said petitioner had no right to vote at said election."