

Nova Scotia.]

KING'S COUNTY ELECTION.

BORDEN V. BERTEAUX.

Election petition—Preliminary objections—Service at domicile—R. S. C. ch. 9, sec. 10.

Held, that leaving a copy of an election petition and accompanying documents at the residence of the respondent with an adult member of his household during the five days after the presentation of the same is a sufficient service under sec. 10 of the Dominion Controverted Elections Act, even though the papers served do not come into the possession or within the knowledge of the respondent.

Appeal dismissed with costs.

Roscoe for appellant.

Boak for respondent.

Manitoba.]

LISGAR ELECTION.

COLLINS V. ROSS.

Election Petition—Preliminary objections—R. S. C. ch. 9, s. 63—English General rules—Manitoba—Copy of petition—R. S. C. ch. 9, sec. 9 (h)—Description and occupation of petitioner.

Held, affirming the judgment of the Court below, that the judges of the Court in Manitoba not having made rules for the practice and procedure in controverted elections, the English rules of Michaelmas Term, 1868, were in force; R. S. C. ch. 9, sec. 63; and that under rule 1 of said English rules, the petitioner, when filing an election petition is bound to leave a copy with the clerk of the court, to be sent to the returning officer, and that his failure to do so is the subject of a substantive preliminary objection and fatal to the petition. Strong & Gwynne JJ. dissenting.

2. Reversing the judgment of the Court below, that the omission to set out in the petition the residence, address and occupation of the petitioner is a mere objection to the form which can be remedied by amendment, and therefore not fatal.

Appeal dismissed with costs.

Martin for appellant.

D. McCarthy, Q.C., for respondent.