

in the principle of the above cited authorities. *Kent Coal Co. v. Martin*, 16 T.L.R. 486, and *Frankenburg v. Great Horseless Carriage Co.* (1900) 1 Q.B. 504 followed.

There was a still further claim made by the plaintiffs against the defendant company alone for damages for failure to carry out an alleged agreement to indemnify the plaintiffs against loss in connection with the pledge of certain shares to a bank as security for a loan to the company.

*Held*, that this was a distinct cause of action against the company in which none of the other defendants were interested so far as appeared from the statement of claim, and that the paragraph referring to this claim should be struck out on Mitchell's application.

*Noble*, for plaintiffs. *Hoskin*, for Mitchell.

Full Court.]

[March 3.]

FIRST NATIONAL BANK v. McLEAN.

*Promissory note—Holder for value without notice—Delivery on condition of signature by another joint maker—Rescission of contract—Election to affirm.*

Appeal from verdict of Dubuc, C.J., noted vol. 41, p. 663, dismissed with costs on the ground that defendants had, by their acts and conduct after they became aware of the misrepresentations on which they relied, elected to affirm their purchase, and so lost any right which they might have had to rescind it.

*Munson*, K.C., and *Haffner*, for plaintiffs. *Wilson* and *J. F. Fisher*, for defendants.

Richards, J.]

RE LISGAR ELECTION.

[March 7.]

*Election petition—Dominion Controverted Elections Act, s. 2 (f) and s. 7—Preliminary objections—Corrupt practice—Returning officer as party respondent to petition.*

Hearing of preliminary objections to an election petition against both the successful candidate and the returning officer.

The petition alleged, among other things, that the returning officer, acting in collusion with the elected member, unlawfully established different polling divisions from those arranged by the Provincial authorities for Provincial elections and, instead of supplying the deputy returning officers, with the copies of the voters' lists received from the Clerk of the Crown in Chan-