

Court of Canada from a judgment maintaining the plaintiff's action. GIROUARD and IDINGTON, JJ., dissented. Appeal quashed with costs.

Flynn, K.C., for the motion. C. E. Dorion, K.C., contra.

Que.]

QUEREC WEST ELECTION.

[June 10.]

Controverted election—Preliminary objections—Cross-petition—Charge of corrupt acts—Particulars.

By a preliminary objection to an election petition it was claimed that the petitioner was not a person entitled to vote at the election and the next following objection charged that he had disqualified himself from voting by treating on polling day.

Held, that the second objection was not merely explanatory of the first but the two were separate and independent; that the second objection was properly dismissed as treating only disqualifies a voter after conviction and not ipso facto; and that the first objection should not have been dismissed, the respondent to the petition being entitled to give evidence as to the status of the petitioner.

The respondent by cross-petition alleged that the defeated candidate, personally and by agents "committed acts and the offence of undue influence."

Held, that it would have been better to state the facts relied on to establish the charge of undue influence, but as these facts could be obtained by a demand for particulars, a preliminary objection was properly dismissed.

Appeal allowed in part without costs; cross-appeal dismissed with costs.

Flynn, K.C., for appellant. Dorion, K.C., for respondent.

EXCHEQUER COURT.

Cassels, J.]

GREENSPAN v. THE KING.

[April 20.]

Revenue law—Customs Act—Alleged breach—Importation of jewelry into Canada—Failure to prove attempt to evade Customs Act—Costs.

Where the customs authorities had seized certain articles of jewelry in the possession of a person claiming that he had brought them into Canada for the personal use of himself and his wife, and not for sale, and the court found that the evidence did not