
REPORTS AND NOTES OF CASES.

Dominion of Canada.

SUPREME COURT.

N.S.]

DUNN v. EATON.

[Oct. 29, 1912.]

Appeal—Final judgment—Reference.

In an action claiming rescission of a contract for the sale of timber lands and other equitable relief and, in the alternative, damages for deceit, the trial judge held that it was a case for damages only and gave judgment accordingly and referred to a referee matters arising out of a counterclaim, ordering him also to take an account of moneys paid, an inquiry as to liens and incumbrances and as to the quantity of standing timber on the lands and other proper accounts. Further consideration of the cause was reserved. This judgment was affirmed by the full court and the defendants sought to appeal to the Supreme Court of Canada.

Held, that the action tried and determined was the common law action for deceit only; that the judgment given therein was not a final judgment within the meaning of that term in the Supreme Court Act; and that the court had no jurisdiction to entertain the appeal. *Clarke v. Goodall*, 44 S.C.R. 284, and *Crown Life v. Skinner*, 44 S.C.R. 616, followed.

Appeal dismissed with costs

Currey, K.C., for appellants. *Rogers*, K.C., for respondents.

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TWO MOUNTAINS ELECTION CASE.

[Oct. 29, 1912.]

*Dominion election—Nomination—Identification of candidate—
Powers of Returning Officer.*

The failure in the paper nominating a candidate for election to the House of Commons to identify him by addition, residence or description, is a substantial defect and the nomination should be rejected. DUFF and IDINGTON, JJ., dissenting.

The returning officer may reject such nomination after the