

Province of British Columbia.

SUPREME COURT.

Martin, J.] DUVAL *v.* MAXWELL: BURRARD ELECTION CASE. [Feb. 23.
Election petition—Preliminary objection—English rules—Copy of petition
—When to be filed—R.S.C. 1886, c. 9, s. 9.

On the hearing of preliminary objections against an election petition it was

Held, dismissing the petition, that in order to have due presentation of an election petition under the Dominion Election Act, a petitioner must at the same time he files his petition, leave with the clerk of the Court a copy of the petition to be sent to the Returning Officer.

Macdonell, for respondent. *Wilson*, K.C., for petitioner.

Full Court.] MACKENZIE *v.* CUNNINGHAM. [March 6.

Libel—Publication—New trial.

Defendant took a copy of an alleged libellous resolution to the editor of a newspaper who dictated it to his stenographer and handed defendant's copy back to her. Before the stenographer extended his notes another copy of resolution was found in the office and from it the printer set up the type.

Held, (reversing, IRVING, J., who dismissed the action on the ground that it was not shewn that defendant was the cause of publication), that there should be a new trial.

Davis, K.C., and *A. D. Taylor*, for appellant. *Wilson*, K.C., and *Reid*, for respondents.

Full Court.] BRYCE *v.* JENKINS. [March 22.

Practice—Adding parties—Contract for sale of land to different purchasers
—Order XVI, rule 11.

Appeal from an order of DRAKE, J., dated March 2, 1901, dismissing an application of H. E. Levy to be added as a defendant.

Where the owner of property authorized two agents to make a sale for him, and each of the agents entered into a contract for sale,

Held, (reversing DRAKE J.), that in a suit by one purchaser for specific performance, the other person had a right on his own application to be added as a party defendant.

Higgins, for appellant. *Bradburn*, for respondent.