

had agreed to discharge him upon his making an assignment for the benefit of creditors to their nominee. The weight of testimony upon the motion was against the existence of such an agreement.

Held, that it was a proper exercise of discretion to require the defendant to pay \$300 into court as a condition of being allowed to defend:

Dunnet v. Harris, 14 P.R. 437, followed.

Rowell for the plaintiffs.

Masten for the defendant.

FERGUSON, J.]

[June 7.

KENDELL v. ERNST.

Writ of summons—Provisional judicial districts—Shortening time for appearance—47 Vict., c. 14, s. 7—Rules 3, 275 (a), 485—Local venue—Action of ejectment—57 Vict., c. 32, s. 3—Rule 653.

The effect of Rule 275 (a) is to supersede s. 7 of 47 Vict., c. 14, and to incorporate its provisions into the rules, and the former practice, being inconsistent with the rules, is superseded by the provisions of Rule 3; and therefore there is now power, under the provisions of Rule 485, to abridge the time for appearance to a writ of summons issued in the District of Algoma or Thunder Bay.

The indorsement on a writ of summons, issued in the District of Thunder Bay after the passing of 57 Vict., c. 32, showed that the claim was for cancellation of a lease of a mining location in the District of Rainy River, for possession of the location, and for an injunction restraining the defendant from entering thereon.

Held, that the action was not one of ejectment within the meaning of Rule 653, and therefore the venue was not local, and it was not necessary that the writ should be issued by the local registrar at Rat Portage under s. 3 of the Act.

E. T. English for the plaintiff.

D. W. Saunders for the defendant.

MANITOBA.

COURT OF QUEEN'S BENCH.

Full Court.]

[May 26.

THE QUEEN v. CHAMBERLAIN.

Perjury—Criminal Code, 1852, s. 148—Dominion Elections Act, s. 45—Authority to administer oath—Personation.

The prisoner was convicted at the last assizes at Winnipeg on an indictment for perjury in having sworn, before the deputy-returning officer at an election for member of the House of Commons, that he was the person whom he represented himself to be, named on the list of electors for the polling subdivision. He was not an elector.