

Selections.]

SOUTH RENFREW ELECTION PETITION.

[Can. Rep.]

lowed to take the hemlock instead of the halter. Then there is drowning, which is a very ancient mode of punishment. The Britons, according to Stowe, inflicted death by drowning in a quagmire as early as 450 B. C., In 370 A. D., eighty bishops are said to have been drowned near Nicodemia; and Louis XI is said to have adopted drowning as a punishment in France. We know of no more desirable death for a condemned man than drowning, unless it be some artificial form of euthanasia, such as a deadly shock from an electric battery.

The *Law Times* gives an abstract of the case of *Estcourt v. Estcourt Hop Essence Co.*, in which it appeared that the plaintiff who was a manufacturer of an article used as a substitute for hops, called "Estcourt's Hop Supplement," employed his son C., one of the defendants, as his agent, who thereupon undertook not to disclose the secret of the compound, or at any time be connected with the sale of any article which could be used as a substitute for hops. During the time of his agency C. discovered the secret of the manufacture. He shortly afterward terminated his agency and began to sell a practically similar compound, which he called "Hop Essence." A bill was filed against him by the plaintiff to restrain him from continuing the sale, when he submitted and signed an agreement binding himself to observe the former agreement, and do the plaintiffs no injury in their trade. After this C. associated himself with one Taylor, and circulars were issued advertising the sale of "Estcourt's Hop Essence, sole proprietor, James Taylor." The defendant company was formed for the purpose of selling the "Hop Essence" under the name of "Estcourt's Hop Essence." The court being of opinion that the company was not a *bona fide* company, but part of a scheme for injuring the plaintiffs in their business, restrained the company and C. from selling the "Hop Essence," and restrained the company from trading under the name of "The Estcourt Hop Essence Company," and also restrained C. from disclosing the secret of the "Hop Supplement."

CANADA REPORTS.

ONTARIO.

ELECTION CASE.

SOUTH RENFREW ELECTION CASE.

BANNERMAN V. McDUGALL.

Defective Nomination Paper—Returning Officer.

A nomination paper was signed by twenty-five persons. Twenty-four of the names were on the voters' lists but through some omission one was not. This person had sufficient property to be on the list, and had been on the roll for the previous year.

Held, That the nomination paper was nevertheless sufficient.

Seemle, that a Returning Officer is both a ministerial and judicial officer.

[OTTAWA, January, 1875—WILSON, J.]

The general facts of the case were that the nomination paper for the respondent was delivered to the Returning Officer for the South Riding of Renfrew soon after twelve o'clock on Saturday, the nomination day, the 24th of October last, at the village of Renfrew, and about one o'clock p. m. on the same day, at the same place, the nomination paper for Mr. Bannerman, the petitioner, was delivered to the Returning Officer. This last nomination paper had twenty-eight names upon it of electors or of persons professing to be electors for the South Riding. Three of these names were struck through or cancelled before, and at the time of presentation and delivery of the paper to the Returning Officer, the initials of Mr. Muir, the attesting witness to the due execution of the paper, were set opposite to each of the three names to show that he had cancelled them, and that they were cancelled before the delivery of the paper to the Returning Officer, and this was done at request of the latter.

The two last names upon the list were added after the other three names were removed. The name of William Tierney, is one of the two names so added to the paper. An examination was made by Mr. Bannerman's Committee of all the names on the nomination paper, with the exception of the two last upon it, to see if such names were also upon the voters' lists, and they were found to be correct. No such examination was made as to the last two names on the paper. It was taken for granted that both of these persons were upon the voters' list. It afterwards appeared that William Tierney, one of the two last, was not on the voters' list for 1873, upon which list the election was held.

William Tierney had been a resident of the village of Renfrew for about five years. He was on the list for 1872 and 1874, and as to his