

DOMINION CONTROVERTED ELECTIONS ACT.

improper under s. 45. A separate trial by jury upon the issue raised as to the character of the machine should not be ordered in a case of this kind, where there is but one cause of action.

Temperance Colonization Society v. Evans, 12 P. R. 48; *McMahan v. Lavery*, 12 P. R. 62, distinguished.

Watson, for the defendant.

T. Langton, for the plaintiff.

Chy. Div. Ct.]

[Dec. 2.

RE McRAE V. ONTARIO AND QUEBEC
R.W. Co.

Costs — Taxation — Appeal — Arbitration — Witnesses — Subpoenas — R. S. C. c. 109, s. 8, ss. 22, 23.

The order of PROUDFOOT, J., in Chambers, 12 P. R. 282, affirmed on appeal.

J. M. Clark, for the appeal.

Aylesworth, contra.

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The following is a form of order for particulars in a controverted elections case settled by Mr. Justice Osler, J.A., in the case of *Saylor v. Platt*, on October 1st, 1887. It may be of use to record as a precedent. Comparison may be made with the order in *Dickson v. Murray*, 19 C. L. J., N. S. 211.

1. It is ordered that the petitioner do not less than fourteen days before the trial hereof deliver to the respondent, his solicitors or agents full particulars in writing of the "bribery, treating and undue influence and intimidation" charged in the fourth paragraph of the said petition, showing the places where and the times when the said alleged acts of bribery, treating and undue influence and intimidation were committed, the names, addresses and occupation respectively of the persons so bribing, treating and exercising undue influence and intimidation, and of the persons alleged to have been bribed, treated, influenced or intimidated respectively, and in each case the nature of the said acts of bribery, treating, undue influence and intimidation.

2. And it is further ordered that the said petitioner do not less than fourteen days before the trial hereof deliver to the said respondent, his solicitors or agents full particu-

lars in writing of the "personation" charged in the fifth paragraph of the said petition showing with particularity the places where and the times when the said alleged acts of personation were committed, the names, addresses and occupations respectively of the persons so personating and of the persons alleged to have been personated, and also full particulars in writing of the acts of inducing persons to commit personation charged in the said fifth paragraph of the said petition showing when, where, by whom and upon or in reference to whom the said acts are alleged to have been committed.

3. And it is further ordered that the said petitioner do not less than fourteen days before the trial hereof deliver to the said respondent, his solicitors or agents full particulars in writing of the "hiring and promising to pay for" conveyances charged in the sixth paragraph of the said petition, the places where and the times when the said alleged acts of hiring and promising to pay for were committed, the names, addresses and occupations of the persons so hiring and promising to pay, and of the persons alleged to have been paid for hire of teams and conveyances, and also in each case the amount or approximate amount so paid or promised to be paid, also full particulars in writing of the acts of "paying travelling expenses of voters" charged in the said sixth paragraph of the said petition showing the times when and the places where the said expenses are alleged to have been paid, also the amounts or approximate amounts paid, and the names, addresses and occupations of the persons by whom and of the persons to whom the said expenses are charged to have been paid.

4. And it is further ordered that the said petitioner do within the time aforesaid deliver to the respondent, his solicitors or agents full particulars in writing of the "other corrupt practices" charged in the seventh paragraph of the said petition and relied upon by the said petitioner, showing the times when, the places where the said corrupt practices were committed, and also the names, addresses and occupations of the persons concerned therein, and in each case the nature of the corrupt practice.

5. And it is further ordered that within the time aforesaid the said petitioner do deliver to the said respondent full particulars in writing of the agent and other persons mentioned in the 4th, 5th, 6th, 7th, 8th and 9th paragraphs of the said petition respectively, showing their names, addresses and occupations.

6. And it is further ordered that no evidence shall be given by the said petitioner under the said paragraph of the said petition of any matter not specified as aforesaid in the said particulars except by leave of a Judge upon such terms as may be ordered.

7. And it is further ordered that the costs of this motion be costs in the said petition.