

Elect.]

NOTES OF CASES.

[Q. B.]

gistrar that they had agreed that 22 whose names were mentioned had voted for the respondent, and four for the petitioner, and that there were 15 others as to whom they had not been able to agree, but proposed to consider them further. Subsequently the respondent objected to the Registrar acting on these admissions, on the ground that he had only accepted the agreement conditionally upon it extending to the 15 votes which had not yet been decided, and also that he had no power to bind the constituency by his admission.

Held, that the admissions were properly received as evidence of the facts.

Hodgins, Q.C., for the petitioner.

Bethune, Q.C., for the respondent.

[March 4.]

RE LINCOLN ELECTION.

Contempt—Publication.

All the powers which the Court of Queen's Bench possessed with respect to Controverted Elections were transferred to the Court of Appeal by section 2 of 38 Vict., c. 3; the latter Court, therefore, has now the power to punish for commissions of contempt in election cases.

Pending an election scrutiny, the publisher of a paper at St. Catharines, where the scrutiny was being carried on, copied a letter, which purported to have been written by the respondent, from the daily *Mail* of Toronto, commenting very severely on the character and evidence of the petitioner's witnesses, as well as on the motives of those prosecuting the petition. Upon a motion to commit the publisher for contempt of Court, he filed an affidavit stating that the letter in question was an answer to an editorial which had appeared in the *Globe* newspaper, charging the respondent with having improperly interfered with the voters' list before the elections, and reflecting on his conduct in such a manner as to do him serious injury in St. Catharines, where he lived; that he had published the letter as a simple act of justice to the respondent, and without his knowledge or consent. He further denied any intention of giving any offence to the Court or of interfering with the fair trial of the case.

Held, that the publication contained expressions which amounted to a contempt of Court, but under the circumstances the Court refused to make any order.

Hodgins, Q.C., moved the rule absolute.

M. C. Cameron, Q.C., shewed cause.

QUEEN'S BENCH.

VACATION COURT.

Gwynne, J.]

[February 22.]

REGINA V. LAWRENCE.

Conviction—Tampering with witnesses—Rev. Stat. cap. 181, sec. 57—Local Legislature—Ultra vires.

A conviction under Rev. Stat. ch. 181, sec. 57, for tampering with a witness, was quashed, on the ground that the section was *ultra vires* of the Local Legislature, because tampering with a witness was a crime—subornation of perjury—at common law (or if not at common law, then made a crime by the section), and being a crime, sec. 91 of the B. N. A. Act, gave the exclusive jurisdiction to the Dominion Legislature.

Fenton, Co. Attorney for the Crown.

Blackstock for defendant.

[This matter was re-heard before the full Court, and the judgment affirmed.]

Galt, J.]

[March 5.]

SCHLESINGER V. DAVIS.

Guarantee—Release by acts of parties—Married woman—Separate estate.

Demurrer: Declaration against defendants for payment of rent by W.

Plea: That after the making the guarantee, and after the accrual of the rent sued for, the plaintiff and W., without the consent or knowledge of defendant, agreed to surrender, and did surrender, the lease, &c. &c.; and before, and at the time of such surrender, &c., there were goods and chattels and W. on the premises liable to distress.

Held, that the plea shewed a good defence, as the sureties were discharged by the dealings of W. and the plaintiff.

There was also a plea that defendant was a married woman.

Replication: That at said time defendant had separate estate liable, &c.

Held, replication insufficient.

J. K. Kerr, Q.C., for plaintiff.

Oster for defendant.

Galt, J.]

[March 12.]

TAYLOR V. PARNELL.

Work and labour—Infancy—Statute of limitations.

The plaintiff declared on the common indebitatus counts.