

corruptly offered and paid \$5 to induce a voter to refrain from voting. The evidence showed that H. was in the habit of assisting this particular voter, and that being told by the voter that he contemplated going away from home on a visit a few days before the election and being away on election day, promised him \$5 towards paying his expenses. Shortly after the voter went to the house of H. to borrow a coat for his journey, and H.'s brother gave him \$5. He went away, and was absent on election day.

Held, that the offer and payment of the \$5 formed one transaction and constituted a corrupt practice under the Election Act.

The proof of H.'s agency relied on by the petitioner was that he had been active on behalf of the same candidate at former elections; that he had attended a committee meeting held on behalf of the candidate and took part in going over the list of voters, and that he acted as scrutineer in the election in question. It was also shown that there was no regular organization of the party at the election, but the candidate had addressed a mass meeting of the electors and stated that he placed his interests in their hands. It was contended that every member of the party was therefore constituted his agent.

Held, affirming the judgment of the trial Judge, Ritchie, C.J., dissenting, and Taschereau J., hesitante, that the agency of H. was sufficiently established to make the candidate liable for his acts, and the candidate was rightly unseated for bribery by H.

Appeal dismissed with costs.

Aylesworth for appellant.

McCarthy, Q.C., for respondent.

CHAGNON *v.* NORMAND.

Appeal—Jurisdiction—Supreme Court Act, sec. 29 (b)—Future rights—Quebec Election Act—Action for penalties for bribery—Effect of judgment—Disqualification.

By Art. 414 of the Revised Statutes of Quebec any person guilty of bribery at a provincial election is liable to a penalty of \$200 for each offence for which any person may sue.

By Art. 429, any person convicted on indictment of such bribery is disqualified for seven years from being a candidate at an election or holding office under the Crown.

H. brought an action for bribery under Art. 414 against C., in which penalties to the extent of \$400 were imposed on C. The Court of Queen's

Bench affirmed the judgment imposing such penalties and C. sought to appeal to the Supreme Court of Canada. On motion to quash the appeal for want of jurisdiction,

Held, that even if the judgment imposing penalties had the effect of disqualifying C. as if he had been convicted under Art. 429, no appeal would lie. The only ground of jurisdiction would be that future rights would be affected by the judgment, but under sec. 29 (b) of the Supreme Court Act the future rights must be affected by the matter actually in controversy and not by something collateral thereto.

Seemle, that the judgment would not have the effect of so disqualifying C.

Appeal quashed with costs.

J. J. Gormully for respondent.

Christopher Robinson, Q.C., for appellant.

HOOD *v.* SANGSTER.

Action for partition and licitation of property—Partnership—Plaintiff's interest less than \$2,000—Not appealable—R.S.C. ch. 153, sec. 29.

An action was instituted by the respondent against the appellant for the partition and licitation of a cheese factory, etc., in order that the proceeds might be divided according to the rights of the parties who had carried on business as partners. The judgment appealed from ordered the licitation of the factory and its appurtenances. On a motion to quash the appeal by the respondent on the ground that the matter in controversy was under \$2,000, the appellant in answer to the respondent's affidavit filed another affidavit showing that the total value of the property was \$3,000, but it being admitted that the respondents (plaintiff) claimed but one-half interest in the property, it was

Held, that the matter in controversy and claimed by the respondent not amounting to the sum or value of \$2,000, the appeal should be quashed with costs.

Appeal quashed with costs.

Duclos for respondent.

MacLennan, contra.

MONTREAL STREET RAILWAY CO. *v.* RITCHIE.

Injunction—41 Vict., ch. 14, sec. 4, P.Q.—Action for damages—Want of probable cause—Damages other than costs.

Where a registered shareholder of a company