

REPORTS AND NOTES OF CASES.

Province of Ontario.

COURT OF APPEAL.

From Boyd, C.]

[July 4.

TORONTO GENERAL TRUSTS CORPORATION v. ONTARIO RAILWAY CO.

*Railways—Bonds—Mortgage—Default in payment—Sale of railway—Validity—46 Vic. c. 24, s. 14, 15, 16 (D).*

A railway incorporated by Provincial Legislation, and which is afterwards declared to be a work for "the general advantage of Canada" can be validly sold as a going concern, where the sale is under the provisions of a mortgage, or at the instance of holders of bonds secured by a mortgage on the railway, or under any other lawful proceeding.

Judgment of BOYD, C., 6 O.L.R., affirmed.

*Aylesworth, K.C., and Walter Barwick, K.C., for appellants. C. Robinson, K.C., and Riddell, K.C., for respondents.*

Moss, C.J.O.]

[July 4.

RE NORTH RENFREW PROVINCIAL ELECTION, WRIGHT v. DUNLOP.

*Provincial election—Presentation of petition—Subsequent denial by two of the petitioners of the statements contained therein—Absence of corroboration—Denial of parties interested.*

Within a few days after the presentation of an election petition, signed in a solicitor's presence, while the affidavits accompanying it sworn to before another solicitor, deposed to the presentation of the petition being in good faith, and with reason to believe the statements contained in it were true in substance and in fact and after a retainer of the first named solicitor to conduct the proceedings, two of the petitioners made affidavits virtually contradicting their former affidavits, one of them deposing to being intoxicated at the time and unable properly to realize what he was doing, while the petition had only been partially read over to him, some of the statements in which he had since found was wholly untrue, while as to others he knew nothing: the other petitioner stating that he was an old man, unable to read or write, and that without the petition being read over or explained to him, and without his having any independent advice and without his appreciating his position, he was induced by the first named solicitor and a hotel keeper to sign the petition and swear to the affidavits.

*Held*, that in the absence, not only of any corroboration of the statements made in the subsequent affidavits, but in the face of their denial by