

deposit receipt was illegal, null and void, the written receipt signed by the prothonotary of the Court being as follows: "that the security required by law has been given on behalf of the petitioners by a sum of \$1000, in a Dominion note, to wit, a note of \$1000 (Dominion of Canada) bearing the number 2914, deposited in our hands by the said petitioners, constituting a legal tender under the statute now in force." The deposit was in fact a Dominion note of \$1000.

*Held*, affirming the judgment of the Court below, that the deposit and receipt complied sufficiently with section 9 (f) of the Dominion Controverted Elections Act.

Appeal dismissed with costs.

*Code* for appellant.

*H. Abbott, Q.C.*, for respondent.

Quebec.]

OTTAWA, Feb. 16, 1892.

#### LAPRAIRIE ELECTION CASE.

#### GIBEAULT V. PELLETIER.

*Dominion Controverted Elections—Election Petition—Preliminary examination of respondent—Order to postpone until after session—Effect of—Six months' limit—R.S.C., ch. 9, secs. 19 and 32.*

On the 23rd April, 1891, after the petition in this case was at issue, the petitioner moved to have the respondent examined prior to the trial, so that he might use the deposition upon the trial. The respondent moved to postpone such examination until after the session, on the ground that being attorney in his own case, it would not "be possible for him to appear, answer the interrogatories, and to attend to the case in which his presence was necessary, before the closing of the Session." This motion was supported by an affidavit of the respondent, stating that it would be "absolutely necessary for him to be constantly in Court to attend to the present election petition," that it was not possible "for him to attend to the present case, for which his presence is necessary, before the closing of the Session," and the Court ordered the respondent not to appear until after the Session of Parliament. Immediately after the Session was over an application was made to fix a day for the trial, and it was fixed for the 10th of December, 1891, and the respondent was examined in the interval. On the 10th of December the respondent objected to the jurisdiction of the Court on the ground that the trial had