

*Quebec Controverted Elections Act—R. S. Q. 514—Mis en cause—Trial.*

*Held* :—That after the *enquête* on the trial of an election petition has been closed, the respondent is no longer entitled, under R. S. Q. 514, to adduce evidence to show that any other candidate has been guilty of corrupt practice.—*Séguin v. Rochon, et Cormier, mis en cause, Doherty, Mathieu, Tait, J.J., Oct. 3, 1889.*

*Quebec Controverted Elections Act—R. S. Q. 514—Trial—When concluded.*

*Held* :—That the trial of an election petition is concluded when the *enquête* of petitioner and respondent has been closed; and it is not competent thereafter for the respondent to give notice, under R. S. Q. 514, that he intends to prove that another candidate not in the cause has been guilty of corrupt practices.—*Séguin v. Rochon, et Cormier, mis en cause, Doherty, Tait, deLorimier, J.J., Oct. 3, 1889.*

*Quebec Controverted Elections Act—Preliminary objections—Service of petition—Description of electoral district—Stamps—Corrupt practice—Knowledge of candidate—Evidence.*

*Held* :—1. A petition presented on the 7th November and served on the following day, the notice of election having been published on the 8th October—is within the delay prescribed by R. S. Q. 482.

2. The description of the electoral district, in the petition, as "the electoral district of the County of Ottawa," instead of "the electoral district of Ottawa," is not a sufficient ground for rejecting the petition, the electoral district being in fact composed of the county of Ottawa alone.

3. In a district where the fee on filing petition is payable in money to the clerk of the Court, and has been duly paid, the absence of stamps on the petition is not an irregularity.

4. The fact that large sums were being illegally spent by the agents of a candidate, and that this circumstance must have been known to those who were engaged in promoting his election in that part of the county, is not of itself sufficient to prove knowledge by the

candidate of corrupt practice, where it appears that he was not present at the place where the money was being disbursed, but was engaged in a remote part of the county. Knowledge of corrupt practice must be clearly established, and where the evidence is so contradictory as to raise a doubt, the defendant is entitled to the benefit of the doubt.—*Séguin v. Rochon, et Cormier, mis en cause, Jetté, Wurtele, Davidson, J.J., Dec. 30, 1889.*

CIRCUIT COURT.

MONTREAL, March 4, 1890.

*Before* DOHERTY, J.

HAEFNER v. RUESS & THE WINDSOR HOTEL Co., T.S.

*Workman's Wages—Art. 628, C.C.P.—Petition to quash saisie-arrêt before judgment.*

Action for \$48.75 money loaned, with attachment before judgment.

Defendant, who is employed as cook's fireman at the Windsor Hotel, petitioned to quash the *saisie-arrêt* before judgment, and in any event to release three-fourths of the amount seized in virtue of Section 5 of Article 628 of the Code of Civil Procedure as amended.

PER CURIAM :—The defendant is a domestic servant and consequently not entitled to the exemption claimed. Upon the other grounds defendant has failed to establish the allegations of his petition which is dismissed.

*W. J. White*, for plaintiff.

*Carter & Goldstein*, for defendant and petitioner.

COUR DE MAGISTRAT.

MONTREAL, 19 septembre 1889.

*Coram* CHAMPAGNE, J. C. M.

TORRANCE v. CURRIE.

*Cour de Magistrat de district—Cour de Magistrat de la cité—Jurisdiction.*

JUGÉ :—*Que la taxe des frais faits en justice doit se faire devant le tribunal où les procédés ont eu lieu, et que la Cour de Magistrat de la cité n'a pas de jurisdiction pour décider si des frais étaient dus par aucune des parties dans une poursuite intentée devant la Cour de Magistrat du district de Montréal qui a existé, mais qui n'a plus d'existence.*