

C. of A.]

NOTES OF CASES—REPORTS.

[Div. Ct.]

through a suit in equity to the prejudice of the attorney's lien for costs in that suit.

Mr. Wilson (Morrison, Wells & Gordon), for attaching creditor.

Mr. Morphy, (Morphy, Winchester & Morphy) for the attorney.

COURT OF APPEAL.

March 26.

[To be more fully noted hereafter.]

GAUTHIER V. WATERLOO COUNTY INS. CO.—Appeal by plaintiff from the judgment of Queen's Bench, making absolute a rule *nisi* to set aside plaintiff's verdict, and to enter a verdict for defendants. Dismissed with costs.

HOWARD V. BICKFORD—(Two cases.)—Appeals from the judgments of the Courts of Queen's Bench and Common Pleas, discharging rules *nisi* obtained by defendant in Hilary Term, 1880, to set aside verdicts for plaintiff. Dismissed with costs.

WALTON V. COUNTY OF YORK.—Appeal by plaintiff from judgment of Queen's Bench, ordering non-suit. Allowed with costs.

LIVINGSTON V. WOOD.—Appeal from order of SPRAGGE C. Dismissed with costs.

BLAKE V. KIRKPATRICK.—Appeal allowed with costs and reference made to Master.

HARRISON V. PINKNEY.—Appeal from the judgment of the Court of Queen's Bench, discharging defendant's rule *nisi* to set aside the verdict obtained by plaintiff, and to enter a non-suit or a verdict for defendant. Dismissed with costs.

MOORE V. JOHNSTONE.—Appeal dismissed with costs.

DUFF V. CANADA MUTUAL INSURANCE CO.—Appeal from the order of PROUDFOOT, V. C. Dismissed with costs.

REPORTS.

ONTARIO.

ELECTION CASES.

MCMONAGLE V. COONS.

Municipal election—Prosecution for voting more than once for mayor—Inspection of ballot papers—Municipal Act ss. 150, 158.

Action to recover two several penalties of \$50 each for having, at an election for the Mayoralty of Prescott, after having already voted, twice voted at other polling places.

Upon an application for inspection of ballot papers, &c.,

Held, (1) That this was a prosecution for an offence in relation to ballot papers, and that the order for inspection could be made under sec. 158 of the Municipal Act.

2.—That such inspection was inadmissible to obtain information as to votes given by any person other than defendant, no prosecution having been instituted against such person.

3.—That even if this prosecution did not fall within the terms of sec. 158, inspection of the voters' list and other papers mentioned in subsection (g) to sec. 150 of the Municipal Act, could be ordered by the county judge.

[Brockville, January, 1881]

The plaintiff obtained a summons calling upon the clerk of the municipality and the defendant to show cause why the clerk should not produce for inspection the several sealed packets of ballot papers, &c., made up under sec. 150 of the Municipal Act, containing the voters' lists used at the several polling places at the election for mayor, &c., and allow the same and the list of voters and the contents thereof to be inspected by the plaintiff, &c. Also ordering the clerk in the meantime not to destroy the ballot papers, &c., and calling upon the clerk to show cause why he should not produce to this court, at the trial of this cause, the said several packets, &c. and all the contents.

The summons was granted upon an affidavit of the plaintiff stating among other things his belief that defendant on 3rd January, 1881 voted for mayor after having already voted for him at some other polling place, and voted a third time after having already done so at two other polling places; that he had caused a suit