

disqualified as such, in that he had been, as was alleged, guilty of corrupt practices at the same election. The election Act provides that the petitioner must either be a candidate, or one who has "a right to vote" at the election which the petition relates.

Held, 1. A person guilty of corrupt acts has no "right to vote" within the meaning of the Act, and is disqualified as a petitioner.

2. There may be an enquiry and evidence taken on the hearing of preliminary objections to a petition so as to ascertain whether or not the petitioner has been guilty of corrupt acts, for the purpose of shewing that he had no "right to vote" at the election and was therefore disqualified as a petitioner.

3. The phrase "right to vote" must be taken to mean an uncontestable and untainted right subject to be questioned before the petition is proceeded with, and does not mean merely that he was properly on the voter's list.

The following are some of the cases referred to on the argument and in the judgment: *West Montreal case* and *L'Assomption case*, 19 L.C. Jur.; *Honiton case*, 3 Jud. 163 (1782); *Re Parsons and Thomas*, 36 U.C.R. 38; *Beauharnois case*, 31 S.C.R. 447; *North Victoria case*, Hod. El. C. 584; *Simcoe case*, ib. 617; *South Renfrew case*, ib. 556; *South Huron case*, 29 U.C.R. 301; *Dufferin case*, 4 O.A.R. 442.

W. B. A. Ritchie, K.C., and Lovett, K.C., for petitioner, Mellish, K.C., and G. F. Pearson, for respondent.

Province of New Brunswick.

SUPREME COURT.

Barker, J.] GAULT BROS. CO. v. MORRELL. [Feb. 17
Injunction—Assignment for benefit of creditors—Prejudice of creditor—Varying injunction order—Title of cause in order.

Where an ex parte injunction order restrained a trader, who had obtained goods from the plaintiffs under an agreement that the property therein was to remain in them, with liberty to them to take possession, from, inter alia, making an assignment for the general benefit of his creditors, it was ordered to be varied in that respect.

It is not a ground for setting aside the service of an ex parte