

and the office to be filled therein; the result of the election, and the return of the respondent, with a date stated during which the election was by law being holden.

Nothing but the date given could possibly mislead, but that date though inapt, is not strictly inaccurate, and with the other particulars points with full certainty to the election and return of the respondent by these proceedings sought to be invalidated.

I see no need for any amendment.

The petitioner taking an order to amend the title by adding the date omitted, I dismiss this Rule.

The costs to be costs in the cause to the respondent in any event, and over and above any other costs which he may ultimately become entitled to.

NOVA SCOTIA.

COUNTY COURT FOR DISTRICT NO. 5. OCTOBER 1ST, 1909.

MATTHEWS v. SMITH.

Practice—Re-opening Judgment—Grounds—N. S. County Court Act, sec. 86—Refusal to Re-open—Extension of Time to Appeal from Original Order for Judgment—Costs.

Fitzpatrick and McKay, for plaintiff.

R. H. Graham, for defendant.

PATTERSON, Co. C.J.:—This is an application under section 86 of the County Court Act to re-open a judgment and vacate the order made upon it.

The action is one upon an implied contract. The plaintiff having kept, with his knowledge and consent, the infant child of defendant for a long period, now asks to be paid for such keep. If the matter ended there, the implied contract was established, but the only witness plaintiff called—his wife, who, according to the evidence is the real plaintiff,—swears that the child was not kept under such circumstances,