

accelerated by R.S.C. c. 129, s. 46, and that the statute did not begin to run against him until the liquidators were entitled to immediate payment.

Judgment of MEREDITH, J., reversed.

H. J. Scott, Q.C., and R. Boulton, for the appeal.

Moss, Q.C., and McGregor Young, contra.

STREET, J.]

IN RE CURRY, CURRY v. CURRY.

[Jan. 23.]

Account—Master's office—Verification—Affidavit—Vouchers—Cross-examination—Notice—Re-opening account.

The person bringing into the Master's office an account, verified by affidavit, is obliged to vouch the payment of the amounts included in it, and is liable to cross-examination upon his affidavit, notice being first given him of the items upon which it is proposed that he shall be cross-examined.

Where no such notice was given, the executor was not cross-examined, although ample opportunity was offered for the purpose, and the accounts were in no way objected to until the reference had been closed so far as the evidence was concerned; the Master properly considered that the affidavit verifying the accounts under Rule 63, and the vouchers, had sufficiently proved the accounts.

Wormsley v. Sturt, 22 Beav. 398; *Re Lord*, L.R. 2 Eq. 605; *McArthur v. Dudgeon*, L.R. 15 Eq. 102; *Meachan v. Cooper*, L.R. 16 Eq. 102; *Rates v. Eley*, 1 Ch. D. 473, followed.

Upon an application to re-open an account of \$55,129.54, comprised in upwards of 1,600 items of disbursements, one or two items were pointed out as appearing prima facie to be of such a character as might have been objected to.

Held, not sufficient to justify opening up the whole account, especially in view of the other facts of the case.

McCarthy, Q.C., and O. E. Fleming, for the appellants.

S. H. Blake, Q.C., and R. F. Sutherland, for the respondents.

FALCONBRIDGE, J.]

[Feb. 6.]

REGINA EX REL. PILON v. LALONDE.

Municipal elections—Quo warranto—Hearing before judge at local weekly Court—Jurisdiction—Convenience.

Motion under the Municipal Act in the nature of a quo warranto complaining of the undue election and usurpation of the offices of councillors for the incorporated village of Casselman, by David Lalonde and Gibert Lafêche.

The motion came on for hearing at the Ottawa Weekly Court, on the 2nd February, 1897.

M. G. Gorman, for the respondent, Lalonde, objected to the jurisdiction of the Judge.

Belcourt, for the relator, contra.

FALCONBRIDGE, J.: I am of the opinion that apart from the provisions of s. 95 of the Judicature Act, 1895, I have jurisdiction, and am bound to hear and determine this matter.