WINCHESTER, MASTER. MARCH 24TH, 1902.

CHAMBERS.

REX EX REL. ROSS v. TAYLOR.

Municipal Elections—Quo Warranto Proceeding—Cross-examination on Affidavits—Discretion as to Permitting.

Application by relator for an order allowing him to proceed and cross-examine the several persons who had made the affidavits filed by respondent in answer to the affidavits filed by relator in support of his motion in the nature of a *quo warranto* to void the election of respondent as reeve of the village of Port Dover.

W. M. Douglas, K.C., for relator.

S. C. Biggs, K.C., for respondent, opposed the application on account of the great expense, which would exceed the amount of the relator's recognizance.

THE MASTER IN CHAMBERS.—I have read all the affidavits filed, and, in my opinion, the application should not be granted. In Regina ex rel. Piddington v. Riddell, 4 P. R. 80, the late Mr. Justice Morrison in delivering judgment said, at p. 85: "On the argument I was pressed by counsel for the relator to order further proceedings with a view to the oral examination of the parties and the production of their books for the purpose of impeaching the facts sworn to by Clinkinbroomer and the defendant. I could only be warranted in doing so upon the ground that I considered the facts sworn to, to be untrue. I see no reason for my thinking so." In that case argument had taken place upon the affidavits filed; here no argument has been heard. I refer to the case to shew that it was a matter of discretion as to permitting the examination or not. In using this discretion I think that no examination would be helpful to me in considering the matter. The relator has the right to file affidavits in reply to those on behalf of the respondent. He will have an opportunity of doing so if he desires it, and the matter will stand adjourned for that pupose.

H. A. Tibbetts, Port Dover, solicitor for relator.

S. C. Biggs, Toronto, solicitor for respondent.