

fer certificates obtained from the returning officer, without any personal or written request.

I am inclined to think that while this class of votes was not actually under consideration by the Court of Appeal, there are sufficient dicta in the judgments of the Court (ante 46) to strongly support a contention that such votes are invalid.

Without deciding that question until the evidence is in, I am of opinion that it is not unreasonable for the purpose of securing a fair and effectual trial of the petition, that the respondent should be allowed to serve the additional particulars, but I think, in view of the lateness of his motion, and that it is an indulgence that he is asking, that the costs of the motion should be costs in the matter to the petitioner in any event.

I stated upon the argument that should I come to the conclusion that the respondent's motion should be granted, a similar privilege should be granted to the petitioner if he desires to supplement his particulars.

This order is not to prejudice any application the petitioner may make at the trial to have the costs of the petition paid by the respondent, should it appear that but for the added particulars the respondent would have lost his seat.

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MABEE, J.

OCTOBER 16TH, 1906.

CHAMBERS.

HAMILTON v. HODGE.

*Venue—Change—Convenience—Action to Set aside Tax Sale.*

Appeal by plaintiff from order of Master in Chambers, ante 351, changing the venue from Toronto to Port Arthur.

J. W. Bain, for plaintiff.

T. D. Delamere, K.C., for defendants.

MABEE, J., dismissed the appeal with costs to defendant in any event.