

It was a very common and ordinary arrangement—an advance of money by the defendant company to the other company on apples consigned to the defendant company for sale, and for the proceeds of which the defendant company had to account.

In the present instance the defendant company made an actual cash advance of \$6,750, plus \$3,750—\$10,500. The apples were bad, and there was a deficit on the consignments of \$35.41, besides the above advances.

Action dismissed with costs.

KELLY, J., IN CHAMBERS.

MARCH 17TH, 1913.

REX EX REL. BAND v. McVEITY.

Municipal Election—Proceeding to Avoid—Service of Notice of Motion on Defendant—Extension of Time for, Owing to Illness of Defendant—Municipal Act, 1913, sec. 165—Scope of—Powers of Judge or Master in Chambers.

Appeal by the defendant from two orders of the Master in Chambers of the 6th March, the first refusing to set aside a previous order extending until the 6th March the time for service upon the defendant of a notice of motion in the nature of a quo warranto under the Municipal Act, and the second extending the time for ten days further.

The defendant also asked for an order dismissing the quo warranto proceeding, on the ground that he was not served within the time prescribed by sec. 165 of the Municipal Act, 1913.

W. N. Tilley, for the defendant.

J. A. Macintosh, for the plaintiff.

KELLY, J.:—On a fiat issued on the 7th February, 1914, proceedings were instituted to void the election of the defendant as Mayor of the City of Ottawa, and a notice of motion to that end, returnable on the 21st February, was issued. On the same day (the 7th February) the Sheriff's officer was instructed to serve the notice on the defendant, and attempts were made to serve him personally, but without effect, he being seriously