authority to amend the notice of motion or enlarging the time.

R. S. O. 1897 ch. 223, sec. 220 (4), seems to me, however, to give all the power that is given under the Consolidated Rules of Practice under the Judicature Act to the proceedings under that Act.

It says: "Where the proceedings are taken before a Judge of the High Court or before the Master in Chambers . . . the same shall be entitled and conducted in the High Court of Justice in the same manner as other proceedings in Chambers." . . .

From 1888 to 1897, the provisions of this statute—secs. 220 (1) and (2) to 236, inclusive—formed a portion of the Consolidated Rules of Practice under the Judicature Act, but they were in 1897 consolidated in the Municipal Act with the addition of 220 (4) and one or two other subsections, thus indicating that the practice in High Court matters was intended to be still made applicable to such applications.

Even before the sections relating to controverted municipal elections had been consolidated in the Rules of Practice, it was held that the Rules of Practice appplied.

There are a number of cases shewing this.

In Reg. ex rel. Linton v. Jackson, 2 Ch. Ch. 18, and in Reg. ex rel. McManus v. Ferguson, 2 C. L. J. N. S. 19, it was held that proceedings in these *quo warranto* matters were not to be held irregular and void which do not interfere with the just trial of the matter on the merits. See also Reg. ex rel. Grant v. Coleman, 7 A. R. 619, at p. 625.

I would also refer to cases of irregularity in giving notice of trial where the statute required a certain notice to be given, but where the irregularity was not allowed as sufficient to set aside the notice: see Holmested & Langton, 704.

I hold, therefore, that the notice of motion given herein, under the circumstances set forth, is good and sufficient notice for Tuesday the 25th February, 1902, and that the sureties can have no ground of objection because of the proceedings not being properly prosecuted.

The order for examination of witnesses will issue—to be spoken to as to the examiner.

An appeal by the respondents from this order was argued by the same counsel in Chambers before

Robertson, J. who held that the notice for the 25th February was good for the reasons given by the Master.

McEvoy & Perrin, London, solicitors for the relator.

McLean & Cameron, St. Thomas, solicitors for the respondents.