

RE JOHNSTON V. CAYUGA—BRITTON, J., IN CHAMBERS—FEB. 2.

*Division Court—Jurisdiction — Amount in Controversy — Amendment—Prohibition—Costs.*]—Motion by the defendant for prohibition to the 4th Division Court in the County of Haldimand, on the ground that the amount claimed was beyond the jurisdiction. The learned Judge said that, notwithstanding all that was urged in favour of the motion, he was of opinion that, upon the facts stated in the affidavit of Mr. Arrell, his omitting to ask for such amendment as was warranted by the evidence, and as the County Court Judge had power to make, did not deprive the Court of jurisdiction. Mr. Arrell, acting for the plaintiff, and having seen the counterclaim or set-off, thought the whole matter amicably settled between the parties; and probably, if not already settled, it can be at much less cost than by further litigation. Motion dismissed without costs. J. B. Mackenzie, for the defendant. S. C. Arrell, for the plaintiff.

RE JARVIS LOCAL OPTION BY-LAW—SUTHERLAND, J., IN CHAMBERS—FEB. 2.

*Municipal Corporation—Local Option By-law—Voting on—Inspection and Preservation of Ballots—Applicant for Order—Status—Municipal Act, R.S.O. 1914 ch. 192, secs. 146, 147, 279.*]—Application, at the instance of the holder of a tavern license in the village of Jarvis, in the county of Haldimand, under sec. 146 or 147 of the Municipal Act, R.S.O. 1914 ch. 192, for an order allowing the inspection of the ballot papers relating to the voting upon a local option by-law alleged to have been approved by the necessary majority of the electors. The motion was made *ex parte*. SUTHERLAND, J., said that the only material filed was an affidavit of the solicitor for the applicant, very meagre in its terms, which failed to disclose the fact that the applicant was a person entitled to vote upon the by-law; and the learned Judge was unable to find that any other person was entitled to an order such as was asked: sec. 279 of the Municipal Act. Motion refused. J. B. Mackenzie, for the applicant.