

# THE ONTARIO WEEKLY REPORTER.

(TO AND INCLUDING JANUARY 10TH, 1903.)

VOL. II.

TORONTO, JANUARY 15, 1903.

NO. I.

BOYD, C.

JANUARY 2ND, 1903.

TRIAL.

COULTER v. SWEET.

*Costs—Scale of—Claim and Counterclaim—Jury.*

Action tried with a jury at Windsor. The plaintiff's claim was for money taken by defendant and wrongfully converted to his own use. The jury awarded the plaintiff \$100 on this claim, and found in his favour on the counterclaim of the defendant for a declaration that plaintiff was liable to account for the principal and interest due on a promissory note for \$975.

J. H. Rodd, Windsor, for plaintiff.

E. A. Wismer, Essex, for defendant.

BOYD, C.—The costs should be taxed to the plaintiff of his claim on the County Court scale, without any set-off, and the costs of the counterclaim dismissed should be taxed to the plaintiff on the High Court scale.

GARROW, J.A.

JANUARY 2ND, 1903.

C.A.—CHAMBERS.

RE HUNGERFORD VOTERS' LISTS.

*Parliamentary Elections—Voters' Lists—Notices of Appeal—Service—Leaving at Residence of Clerk—Time.*

Case stated under sec. 38 of the Ontario Voters' Lists Act by the Judge of the County Court of Hastings.

One Michael Quinn, at between 9 and 10 o'clock of the evening of 10th November, 1902, the last day for serving notices on the clerk of the township of Hungerford of appeals against the voters' list, went to the clerk's dwelling-house, knocked at the door, and, not receiving any response, opened a wire screen door and placed the notices on the outside knob of a house door, and, having closed the screen door, went away, leaving the notices there. The door was on the west side of the house, and was not used as frequently as the door on the