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DECEMBER 21ST, 1903.

C.A.

RE NORTH GREY PROVINCIAL ELECTION.

BOYD v. MCKAY.

*Parliamentary Elections—Controverted Election Petition—Order
Extending Time for Trial.*

Appeal by A. G. McKay, the respondent, from an order of OSLER, J.A., of 5th November, 1903, whereby the time for the commencement of the trial of the petition was extended until the 31st January, 1904.

J. P. Mabee, K.C., for appellant.

E. B. Ryckman, for respondent.

The judgment of the Court (MOSS, C.J.O., MACLENNAN, GARROW, MACLAREN, J.J.A., TEETZEL, J.) was delivered by

MOSS, C.J.O.—Upon full consideration of this appeal and a reference to the cases cited and others, we have come to the conclusion that it should be dismissed, for many reasons, some of which were indicated during the argument. We think that the learned Judge had jurisdiction to make the order complained of, and all that was required was that he should be satisfied that the requirements of justice rendered it necessary. No affidavit was called for, under the circumstances, which were quite apparent to the learned Judge, and could not be disputed by either party. The order was properly made, and is not open to the objections urged against it. The reference in the order, as drawn up and issued, to an affidavit, though erroneous, did not invalidate the order actually