

appeal, except that both parties might include their disbursements, as part of their disbursements in the administration proceedings.

The conduct of the reference was given to the administrator, because he was chosen by the creditors, and the plaintiff's claim was only \$102.40, referring to *Re Swire*, 21 Ch. D. 647.

J. A. Robinson, St. Thomas, solicitor for plaintiff.

J. C. Eccles, Dunnville, solicitor for defendant.

OSLER, J.A.

JANUARY 29TH, 1902.

COURT OF APPEAL—CHAMBERS.

RE NORTH WATERLOO ELECTION.

*Controverted Election—Deposit—Rival Claimants—Disputed Facts—
Issue must be Directed—Practice—R. S. O. ch. 11.*

Application by the solicitors for the petitioner, under Rule 15 of the Rules of practice and procedure, etc., made pursuant to R. S. O. 1897 ch. 11, for payment to them of the fund of \$1,000 deposited under sec. 14. The fund was also claimed by the subscribers of it.

W. E. Middleton, for solicitors.

W. M. Reade, Waterloo, for subscribers.

OSLER, J.A.—I cannot dispose of this matter otherwise than by directing the trial of an issue between the rival claimants, as the facts are disputed. The trial will be at Berlin, before a Judge without a jury, or elsewhere as I may order after hearing the parties. Costs reserved.