

ceeds. The Master, after referring to the Manitoba statutes on which the parties relied, expressed the opinion that any consideration of these questions is at present unnecessary, as the facts of this case do not seem distinguishable from those in *Re Confederation Life Association and Cordingley*, 19 P.R. 89, where an order was made such as is asked for here. He referred to the judgment of Osler, J.A., at p. 91 et seq., as containing a full discussion of the principle on which such orders are made, and of the effects of the same on the company and the respective claimants. The order to go as asked, with costs to the company fixed at \$30 unless a taxation is preferred. M. R. Gooderham, for the applicants.

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NOKES V. KENT—DIVISIONAL COURT—NOV. 8.

*New Trial Granted on Terms.*]—Appeal by the defendants from the judgment of BOYD, C., of the 2nd October, 1912. The appeal was heard by CLUTE, SUTHERLAND, and KELLY, JJ. The judgment of the Court was delivered by CLUTE, J., who stated that, in their opinion, the learned Chancellor, who tried the case, was right in his refusal to put off the trial upon the material then before him; but that it would be in the interests of justice, under all the circumstances, that a new trial should be granted, upon condition that the defendants pay the costs of the former trial and of this appeal within thirty days and pay \$3,000 into Court to the credit of this cause, or give security therefore to the satisfaction of the Registrar within 30 days; otherwise this appeal should be dismissed with costs. H. H. Dewart, K.C., for the defendants. Shirley Denison, K.C., and H. W. A. Foster, for the plaintiff.