

ation of the evidence, finds in favour of the plaintiff upon all the issues in the action, and directs judgment to be entered for the amount sued for (less \$9), with interest from the 30th June, 1912, and costs. J. B. Clarke, K.C., for the plaintiff. J. M. Clark, K.C., for the defendant Baugh. C. Kappelé, for the defendant Proctor.

COUNTY COURT OF THE UNITED COUNTIES OF LEEDS
AND GRENVILLE.

McDONALD, Co.C.J.

APRIL 14TH, 1914.

THORMIN AND RUBINO v. DONALDSON.

Jury Notice—Application by Plaintiffs to Strike out—Disagreement of Jury at Former Trial—Prejudice against Plaintiffs—Affidavits as to what Occurred in Jury-room—Admissibility.

This action was brought in the County Court to recover damages for injury to the plaintiffs' motor truck by the defendant's motor car, owing, as the plaintiffs alleged, to negligence in the management of the defendant's car. The defendant counter-claimed for damages for injury to his car by the motor truck, alleging negligence of the plaintiffs.

The action was tried before McDONALD, Co.C.J., and a jury, in December, 1913; the jury disagreed, and were discharged.

The plaintiffs then moved to strike out the defendant's jury notice, so that when the action came on for trial again it should be before a Judge without a jury.

H. A. Stewart, K.C., for the plaintiffs.

J. A. Hutcheson, K.C., for the defendant.

McDONALD, Co.C.J.:— . . . The affidavits of several deponents and their answers given upon cross-examination upon their affidavits made it very clear that in the minds of many persons there existed at the time of the trial a strong prejudice against the plaintiffs owing to their being Italians. The affidavits of Sheriff McCammon and Gordon VanCamp shew this prejudice to have been entertained by at least two members