

N.S.] AINSLIE MINING CO. v. McDOUGALL. [May 14.

Appeal—Alternative relief—Appeal for larger relief than granted.

The unsuccessful party at the trial of an action moved the court of last resort for the province for judgment or, in the alternative, a new trial, and obtained the latter relief.

Held, that he could not appeal to the Supreme Court of Canada from the order for a new trial with a view to obtaining a judgment in his favour. Appeal quashed without costs.

Mellish, K.C., for appellants. *Daniel McNeill*, for respondent.

N.S.] EAD v. THE KING. [May 18.

Appeal—Criminal law—Reserved case—Application “during trial.”

By s. 1014 (3) of the Criminal Code, either party may “during the trial” of a prisoner on indictment apply to the court to have a question which has arisen reserved for the consideration of the Court of Appeal.

Held, that for the purposes of this provision the trial ends with the verdict after which no such application can be made. Appeal dismissed.

W. F. O'Connor, for appellant. *A. C. Morrison*, K.C., for respondent.

Province of Ontario.

SURROGATE COURT OF THE COUNTY OF YORK.

IN RE SHAMBROOK ESTATE.

Succession Duties Act—Insurance money—Aggregate value.

The deceased had an insurance on his life, the policy being made payable in his lifetime to his wife and the amount was after his death paid to her.

Held, that the amount so paid formed part of the aggregate value of the estate for the purpose affixing the amount of succession duty, although itself exempt from duty.

[TORONTO, June 2—Winchester, Barr. J.]

This was a matter of enquiry directed by the Provincial Treasurer under s. 8 of the Succession Duties Act, with reference to the value of the estate of the deceased.