

Counsel for the plaintiff stated that he adopted the argument of counsel for the plaintiff in the Foxwell case, upon the merits of the action. The judgment of the Court (FALCONBRIDGE, C.J. K.B., BRITTON and RIDDELL, JJ.) was delivered by RIDDELL, J., as follows: "We have now had the advantage of a very full and able argument of this case upon the merits. For reasons set out in Foxwell v. Kennedy, ante 1299, I am of opinion that the appeal fails, so far as the main ground is concerned, and I think the same result must follow in the matter of the claim of the plaintiff to be added as the assignee of Fred. Kennedy. The appeal should be dismissed with costs." A. J. Russell Snow, K.C., for the plaintiff. E. D. Armour, K.C., for the defendant James H. Kennedy.