facts, as he saw them, were: that counsel for the plaintiff (1) "made a very impassioned appeal . . . on behalf of" his client; (2) and referred in an allegorical but unmistakable way to the defendant railway company as a "giant called 'Stranglehold' . . . whose subjects had to pay him a silver toll," and whose "tentacles were spread over the city;" that (3) no objection was at the trial taken to these remarks; (4) that counsel discussed the evidence fully and in such a way that the trial Judge did not find it necessary to refer to it in any detail; and (5) that the verdict was not unsatisfactory.

The learned Judge went on to say that the allegorical statements were objectionable, and that the trial Judge would have been justified, proprio motu, in stopping and rebuking counsel, if he thought proper; but this course or any other must, within reasonably wide limits, be in the discretion of the trial Judge; and counsel for the defendants, not having raised any objection at the trial, must be considered as having waived all objections and taken his chance of a favourable verdict—so that it was now too late to raise the objection as a ground of a motion for a new trial, no injustice being apparent: Sornberger v. Canadian Pacific R.W. Co. (1897), 24 A.R. 263.

The appeal should be dismissed, but, to shew disapprobation of the language employed by the plaintiff's counsel, the dismissal should be without costs.

Appeal dismissed without costs.

MAY 18TH, 1915.

*PARSONS v. TOWNSHIP OF EASTNOR.

Arbitration and Award — Motion to Set aside Award — Claim under Municipal Drainage Act, R.S.O. 1914 *ch.* 198, *sec.* 80 *— Notice — Damages — Mistake in Law of Arbitrator — Written Reasons of Arbitrator—Mistake Appearing on Face of Award—Jurisdiction to Set aside Award.*

Appeal by the plaintiff from the order of HODGINS, J.A., sitting in the Weekly Court at Toronto, refusing to set aside an award: ante 381.

The appeal was heard by RIDDELL, LATCHFORD, MIDDLETON, and KELLY, JJ.