

INDEX

TO THE

Ontario Weekly Reporter, Vol. 23

ACCOUNT.

Change of solicitors — Discontinuance of action—Motion by plaintiffs for order for account—Costs. *Land Owners v. Boland & Paxton*, 246.

Motion under Con. Rule 645 — Practice — Non-production of writ—No proof of endorsement—Account refused—Costs. *Land Owners v. Boland*.

Reference—Book-accounts — Credits — Absence of surcharge or falsification—Payment—Onus on defendants—Amounts received in excess of those for which credit given. *Ontario Asphalt Block Co. v. Cook*, 744.

ACTION.

Discontinuance — Taking of any other proceeding—C. R. 430 (1)—Leave to discontinue. *Christie Brown v. Woodhouse*, 55.

Failure to set up defences—Leave to amend refused—Cannot bring new action of issues which could have been tried. *Boeckh v. Gowganda Queen Mines*, 4.

Motion to stay—Judgment outstanding in former action — Res judicata—Parties—Costs—Leave to appeal refused. *Campbell v. Verral*; *Gibson v. Verral*, 363, 973.

Motion to stay—Non-payment of interlocutory costs—Vexatious proceedings—Principal involved. *Rickart v. Britton Mfg. Co.*, 814, 979.

Settlement—Terms of—Embodiment of in order of Court. *Smyth v. Harris*, 241.

Stay of proceedings — Mechanics' lien—Independent action. *Dick v. Standard Underground Cable Co.*, 19.

Stay of proceedings — Action by workmen to recover wages—Building contract—Plaintiffs' right should not be determined on interlocutory application. *Saltsman v. Berlin R. & C. Co.*, 61.

ADMINISTRATION.

Application for payment out — Claimant to portion of estate—Payment out of portion of moneys—Issue directed as to remainder—Costs. *Vine, Re*, 486.

APPEAL.

Leave to — Interpleader—Interlocutory application—Suggestion of delivery of pleadings by consent. *Smith, Re*, 530.

Leave to appeal—Municipal by-law—High school district — Public importance. *Re Henderson & West Missouri*, 306.

Leave to—To Divisional Court from Judge in chambers—Con. Rule 777 (3) (a), (c)—Action—Stay of proceedings—Mechanics' lien — Independent action. *Dick v. Standard Underground Cable Co.*, 96.

Leave to—To Divisional Court—From trial Judge—Extension of time for giving security—Mistake of solicitors—Inequitable to cure. *Re Canadian Shipbuilding Co.*, 149.

To Court of Appeal — From Divisional Court—Time for appealing—Extension refused. *Cain v. Pearce Co.*, 43.

ARBITRATION AND AWARD.

Award set aside—Misconduct of arbitrators—Jurisdiction over costs. *Windatt & Georgian Bay & Seaboard R.W. Co., Re*, 509.