

STRATI v. TORONTO CONSTRUCTION Co.—DIVISIONAL COURT—  
JUNE 22.

*Dismissal of Action—Default in Payment of Costs of Day—Appeal—Extension of Time.*]—After the decision of MIDDLETON, J., ante 877, refusing a motion by the plaintiff for an extension of time for payment of the defendants' costs of the day, the plaintiff appealed from the order of LATCHFORD, J., at the trial, requiring the plaintiff to pay the costs of the day as a condition of postponing the trial, and ordering that in default of payment the action should stand dismissed. A Divisional Court (FALCONBRIDGE, C.J.K.B., BRITTON and MIDDLETON, J.J.), allowed the appeal and extended the time for payment of costs for one week from the date of the present order. Costs of the appeal to be costs in the cause. H. S. White, for the plaintiff. Grayson Smith, for the defendants.

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