

peal, rested his right to relief on the ground of estoppel, which was not presented at the trial. The Court (MEREDITH, C.J.C.P., MACMAHON and TEETZEL, JJ.), thought it not unreasonable that an opportunity should be afforded to the plaintiff of establishing the estoppel upon which he relied, and directed a new trial; costs of the last trial to be costs to the defendants in the cause, and costs of the appeal to be costs in the cause. W. E. Middleton, K.C., for the plaintiff. J. A. Macintosh, for the defendants.

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GOODISON THRESHER CO. v. TOWNSHIP OF McNAB—C.A.—  
DEC. 31.

*Appeal to Supreme Court of Canada—Leave—Extension of Time.*]—The Court of Appeal (MOSS, C.J.O., OSLER, GARROW, MACLAREN, and MEREDITH, JJ.A.), on a motion by the plaintiffs for leave to appeal to the Supreme Court of Canada and to extend the time for appealing from the judgment of the Court of the 13th May, 1909, 19 O. L. R. 188, thought it a proper case for an application to the Supreme Court for leave to appeal; and, in order to give the plaintiffs an opportunity to move the Supreme Court, ordered that the time for appealing be extended until the expiration of the next sittings of that Court, commencing in February, 1910. Costs of this application to be costs in the proposed appeal. T. C. Robinette, K.C., for the plaintiffs. W. M. Douglas, K.C., for the defendants.

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BROWN v. WARNOCK—C.A.—DEC. 31.

*Will—Lawful Widow—Contestation—Costs.*]—An appeal by the defendant Agnes Wilson Warnock from the order of a Divisional Court affirming the judgment at the trial in favour of the plaintiffs, executors propounding the will of James Gregory Warnock. The appellant claimed to be the lawful widow of the deceased. The testator gave certain legacies to the children of the appellant, and the residue of his estate to the defendant Eva Warnock, whom he had married after his alleged marriage to the appellant. The Court (MOSS, C.J.O., OSLER, GARROW, MACLAREN, and MEREDITH, JJ.A.), at the hearing (16th November, 1909), dismissed the appeal, being of opinion that the trial Judge