The Toronto World

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TUESDAY MORNING, MARCH 31

THE CEMETERY STILL FIGHTS.

The World regrets to hear that Mr. W. P. Gundy, president of the board of trade, also a member of the Cemetery Trust, is using his influence to have the legislative committee in Queen's Park, today, endorse the proposal of the trust to substitute a ravine road, away to the east, for the straight road demanded by the city and the township thru Mount Pleasant Cemetery, and connecting the country north of the cemetery with Moore Park and Rosedale to the south.

Year after year the cemetery authorities have been fighting this improvement; in the interest of the living, as we said in The World the other day, the trust can well afford to close the cemetery at the present burial line, and allow a straight road to be built where it was located. The trust can sell the balance of its acreage and with the proceeds buy much better cemetery accommodation in different sections of the township for the whole city.

In the meantime, the mayor and representatives of the city should be on hand at the buildings this morning to make another stand for the straight road.

THE ADROIT MR. ASQUITH.

Nothing could have been more adroit than Premier Asquith's method of meeting a situation which apparently had placed the British Government in an impossible position. He met it simply by accepting it. Those who declared that Mr. Asquith was only a tool and not a leader are utterly discomfited by his coup. He goes to his constituency on technical grounds, obtains a couple of weeks' rest from the heated atmosphere of the house of commons, and gives his opponents an opportunity to think over the course of events. And the events politically are evidently in the hollow of Mr. Asquith's hand.

It is more apparent than ever that the army contingency is the important feature of the crisis. Mr. Asquith emphasises this fact by taking over the portfolio which Col. Seely has laid down. He is not going to trust the delicate details of adjusting the change in the military centre of gravity to anyone but himself.

For the people the important result of the new conditions is that the army in future must accept the "charter of equality," as it has been termed, drawn up by Lord Haldane in the order issued by the army council. The adjustment involved by the order will probably require great diplomatic tact, and all the firmness that sympathetic authority possesses. Mr. Asquith has shown in the six years past that he possesses to an extraordinary degree the fusing and constraining qualifications which are required to bring reluctant but not unreasonable people into working alliance. The army will not refuse to be reasonable.

The people of Great Britain have had at once a greater issue placed before them than they have had for several generations. It is an issue which quite eclipses the Irish question. Independent observers in Britain are well assured that the Irish question is one of which the British people, English and Scots, are thoroly weary. Whether the British electorate under the new conditions will revive an outworn interest in the Irish question for the benefit of the landed proprietors, or whether they will concentrate their attention on the more immediate interest of their own relation to the army and popular government remains to be seen, but there are few who will deny that the situation makes for the consolidation of the Liberal and Labor parties and the strengthening of the government.

PEAT IN PLANT CULTURE.

Any discoveries in connection with the utilization of peat are necessarily of value to Ontario, where bogs are numerous and of large extent. So far back as 1882, in a report by E. B. Borron, it was stated that not less than 10,000 square miles of territory in New Ontario, north of the Height of Land, was overlaid with beds of peat. Canadian peat, too, is known to be rich in nitrogen, and this adds interest to a report of a lecture delivered recently before the Royal Society of Arts by Professor W. B. Bottomley of the chair of botany at King's College, London, England. His subject was the bacterial treatment of peat, and he explained, subject to further investigation, that experiments conducted at Kew Gardens and elsewhere on peat treated in a special way with bacteria had resulted in a remarkable increase in the size of plants, in promoting their root development, in improving their blossoms and making them generally healthier.

The latest experiments made public on March 11 have demonstrated that these results are obtained with such small quantities of peat—even with dried alcohol extracts of the peat dissolved in water—as to make it probable that there is some substance in the treated peat which has the property of stimulating and promoting growth in an extraordinary manner. In one experiment made at Kew it was found that a top dressing of about half an ounce of peat to a ten inch pot doubled the weight of the treated plants in a fortnight. Speaking later during the discussion which followed the lecture, Professor Rosenheim, also of King's College, said there was no doubt that the peat contained something that made a plant grow, and he had found the quantity of peat necessary to produce the effect was infinitesimal, the amount of nitrogen in the solution being as little as two milligrams. The opinion was generally expressed that if these experiments are confirmed a discovery of very great importance has

WILSON AND THE NATION'S HONOR.

Altho President Wilson has gained an initial victory in his campaign for repeal of the provision of free passage for United States coastwise shipping thru the Panama Canal, it would be a mistake to imagine that his task is as good as accomplished. The forces arraigned against him are neither few nor weak, and his most dangerous foes are those of his own household. For the bolt of Speaker Clark and of the Democrats who followed him in declaring against the president's policy is evidence that the feud so apparent at the Democratic convention has been revived under circumstances that may lead to a disruption of the party, however much protest is made that honest difference of opinion will not be permitted to disturb future co-operation. Rifts over questions that invite appeals to prejudice and racial animosity are apt to grow until they become too wide to be bridged by later arguments addressed to reason and based on the need of preserving party unity.

In the height of a conflict such as that to which Mr. Wilson has committed himself an increasing tendency becomes manifest to seize upon every incidental occasion that offers for opportunity to sway public sentiment. In his brief message of March 7 the president laid principal stress on the obligation to maintain the national honor in the interpretation of treaty provisions. He brushed aside all contentions that involved special pleading and simply urged that if there was room for debate there was none for doubt as to the duty resting on the republic. In doing this he took high ground, but the only ground that can be justified by the standard of present-day international ethics. From his earnest words the inference can be drawn that he is conscious of a general and increasing distrust in the good faith of the United States when treaty obligations threaten to conflict with its material interests. Even behind that there is the widely prevalent conviction in the United States that the exemption clause was really due to the influence of the internal shipping trust and will benefit it alone. President Wilson's action in personally identifying himself with the repeal campaign cannot, however, but increase the regard in which he is held as an executive of lofty ideals and unflinching moral courage.

MEXICO'S PLIGHT.

General Villa has found Torreon a harder nut to crack than he anticipated, and the fact will have its effect on the federal forces. Prestige counts for much, especially with troops that are, at the best, irregulars, and therefore more susceptible to the personal influence of their commanders. Any serious repulse will have its effect on their morale, while increasing that of their opponents, and is likely, therefore, to prolong the chaotic condition which has already lasted far too long for the good of Mexico. After many months of strife, Mexican conditions show no improvement, and the restoration of peace and order appears to be as far off as ever.

Altho the United States Government continues to maintain its attitude of "watchful waiting," public opinion is inclined to become more restive without any well-defined idea of what the character of the situation requires if a remedy is to be provided. Senator Fall of New Mexico, for example, urges interposition or non-political intervention, preceded by a solemn declaration that war is not being made on the Mexican people. But if the people of Mexico objected, are they to be coerced into submission? Another proposal suggests that a commission of Mexicans be called to consider the means of restoring peace. But what if really representative members could not be obtained? Indeed, it does not seem that there is any available alternative between "watchful waiting" and armed intervention.

THE MINIMUM WAGE AGAIN.

Britain is faced with another serious miners' strike, which, unless an early settlement is reached, may affect the whole transportation system of the country. The trouble started in Yorkshire over a dispute regarding the working of the Minimum Wage Act when 15,000 men at Rotherham stopped work. In their support strike notices were served on behalf of the 120,000 members of the Yorkshire Miners' Association and these will expire on Thursday. The point involved in this dispute may be extended to include a demand for a minimum wage and eight hours day for all surface workers.

This latter question is a legacy from the great strike of 1912, when the underground workers made their claim for the minimum wage. At that time the surface workers gave partial support and settlement was only made possible by the surface workers agreeing to defer their similar demand to a later date. A year ago the preliminary step was taken to revive the claim, but the employers refused to consider it. The men then applied for a national conference, but this was also rejected, and the government also declined to consider a request for legislation. Should the disputants fail to reach a settlement the struggle is likely to be severe.

COUNTY JUDGES' SALARIES.

Editor World: It seems to be the determined effort in some quarters to induce the government to increase the salaries of county court judges. I contend that if this is done it would simply be an outrage, as these men's present incomes from their offices are much more than they could earn in practice, and then they have in addition their pensions.

The county court judges have now a salary of $3000, "after three years' service," and most of them have the surrogate fees in addition, which in counties outside the cities amount to about $1000, and all their traveling and other expenses paid. The most of these men, if in practice, would think $2000 a good net income, many of them would have less, a few possibly a little more.

In Toronto the county court judges have incomes from their offices of from $5000 to $7000, including surrogate fees.

It seems to me that it is the duty of the press to take this matter up and protest against it, as no such increase is warranted, and, if discussed it would, I am certain, so stir up the electors that it would be made an issue in the next elections that would show clearly that the great majority of the community would condemn it.

I trust that you will take this matter up, investigate it, and I am satisfied if you do so that your paper will protest against any increase in the salaries of these officials.

Jas. McCullough.

Stouffville, Ont.

CONSTRUCTION COMPANY ASKS FOR ADDITIONAL BOND GUARANTEE.

(Special Correspondence.)

ST. JOHN, N.B., March 30. — A great deal of interest is being taken in New Brunswick in two matters connected with the St. John Valley Railway, principal of which is that the company that is building the road has asked for an additional bond guarantee of $10,000 per mile, which would come to some $2,000,000. The other is the statement that the bridge for this railway across the St. John River would cost $2,000,000, whereas the Dominion Parliament had only figured on granting $1,000,000 for the bridge, and another expensive one across the Kennebecasis River. The railway company secured exceptionally good terms in the matter of subsidies at the outset, and surprise is expressed at the additional demand for the bond guarantee. The matter will come up for legislative discussion at Fredericton and Ottawa.

CALGARY MEN TO HELP ULSTER.

CALGARY, March 30.—That at least three hundred citizens of Calgary will leave in the course of the next few weeks for the seat of civil strife in Ireland was the emphatic statement made this morning by a prominent member of the Loyal Orange Lodge in the city. He further stated that he was of the opinion that if there were war in Ireland it would not be a local war, but would spread to Canada, and for that reason large numbers would be kept in readiness in the Dominion in the event of a great religious war breaking out.

MAY GO TO LONDON.

WASHINGTON, March 30.—Well defined reports in diplomatic circles today said that Ambassador Jusserand, who has been the representative of France in this country for the past eleven years, and who is the dean of the diplomatic corps here, may be transferred to London.

AT OSGOODE HALL

ANNOUNCEMENTS.

Judge's chambers will be held on Tuesday, 31st inst., at 11 a.m.

Peremptory list for first appellate division for Tuesday, 31st inst., at 11 a.m.:

1. Johnston v. Biome (to be continued).
2. Schofield v. Biome (to be continued).
3. Day v. Acme.
4. Canawan v. C. P. R. Co.
5. Re Rebecca Barrett Estate.
6. Re R. G. Barrett Estate.
7. Bank B. N. A. v. Elliott.
8. Bank B. N. A. v. Haslip

Peremptory list for second appellate division for Tuesday, 31st inst., at 11 a.m.:

1. Eplett v. Miller.
2. Linazuk v. C. N. Coal and Ore Docks Co.
3. Smith v. Haines.
4. Blain v. Brampton.
5. Rainy River v. Ontario and Minnesota P. Co.
6. Rainy River v. Watrous Island.

Master's Chambers.

Before J. A. C. Cameron, Master.

Reliance Engraving Co. v. Mercantile Advertising Co.—J. G. O'Donoghue, for plaintiff, moved for order setting aside appearance of C. P. Wright and J. G. Wright as irregular. J. J. Gray for individual defendants. Reserved.

Barr v. Barr—Chitty (Du Vernet & Co.), for defendant, obtained enlargement of motion by plaintiff for interim alimony and disbursements until April 6.

McComb v. McLaughlin Carriage Co.—W. J. McLarty, for defendant, moved for order setting aside appearance entered by the Fial Automobile Co. J. G. Smith for plaintiff. Appearance and service of writ set aside. Plaintiff given liberty to issue concurrent writ for service on Fial Automobile Co. at Poughkeepsie, N. Y. Costs in cause to plaintiff.

Hamilton v. Gallow—A. W. Burk, for defendant, moved for order dismissing action for want of prosecution. W. C. Davidson for plaintiff. Enlarged to April 1, by consent.

Montgomery v. Brennan — J. A. Campbell, for plaintiff, obtained order substituting Bella Brennan as plaintiff in place of present plaintiff. No costs.

London Shoe Co. v. Trottier and King; London Shoe Co. v. Trottier and Roy—F. Aylesworth for plaintiffs, moved for order consolidating actions. W. Laidlaw, K.C., for defendants. Order made consolidating actions with liberty to plaintiff to amend claim, subject to any statutory defence of Cyril Roy. Costs to defendant in any event.

The Pedlar People, Limited, v. Brush—Beaton (Ritchie & Co.), for plaintiff, obtained order dismissing action without costs.

Crompton v. Ocean Accident and Guarantee Corporation — Huycke (Beatty & Co.), for defendants, obtained order, on consent, dismissing action without costs.

Single Court.

Before Britton, J.

Wood v. Brodie—C. A. Moss and W. McCue (Smith's Falls), for plaintiff and defendants other than Brodie, Mary C. Wood and Beatrice Ferguson; H. M. Mowat, K.C., for defendants, Brodie, Wood and Ferguson; E. C. Cattanach for official guardian. Motion by plaintiff and those in same interest, for judgment on further directions. Judgment: This is not a case for an order compelling defendants Brodie, Mary Chalmers Wood and Beatrice Ferguson to pay costs of other parties, or even to pay their own costs. The order will be that all costs of all parties of this reference and of this motion be paid out of the estate, except the costs of defendant Brodie in reference to the claim against him in regard to the Judge mortgage, for which Brodie was made liable. Brodie is not to get costs which are specifically as to that item, but he is not to be liable to pay any costs in respect to it. There will be an order for payment by defendant Brodie of the amounts found due by him to the estate. I do not make any order as to $338.25 of infants' moneys.

Single Court.

Before Middleton, J.

Mr. George Gier McCulloch and Mr. James Chambers McRuer presented their certificates of fitness and were on the fiat of the judge sworn in and enrolled as solicitors of the supreme court of Ontario.

Badie v. Astor—H. H. Davis for defendant obtained order on consent confirming report and directing payment out pursuant thereto.

Bury v. Shields—W. J. Elliott for plaintiff on motion for judgment stated that the note in question had now been returned and the only question to be decided was the question of costs. Judgment for plaintiff for costs.

Re Solicitor—A. L. Brady for client moved for an order to strike off the rolls for non delivery of papers and non payment of money. The solicitor in person denied retainer by applicant and stated that client had desired him to retain the papers and that there was no money in his hands. Order that solicitor do forthwith hand over the papers and funds in his hands to Messrs. Lee and O'Donoghue, solicitors for applicants, and in default of his so doing the order to strike him off the rolls will go. The solicitor must pay the costs of motion.

Downey v. Burney—J. M. Langstaff for plaintiff moved for order to commit defendant for contempt. N. Sommerville for defendant. Reserved.

Re H. F. Shiels—J. T. Mulcahy (Orillia) for surviving executor of estate moved for order construing will of H. F. Shiels. No one contra. Order declaring that upon the true construction of the will the maintenance of the infants ceased when the youngest attained the age of twenty-one years, and that upon the marriage of Margaret Shiels there was an intestacy as to the insurance and other personal property and the proceeds of the real estate devised to her and that same must now be distributed as upon an intestacy. Costs out of estate.

Trial.

Before the Chancellor.

Murphy v. Lamphier—J. G. O'Donoghue for plaintiff; J. W. Bain, K.C., and R. G. Agnew for defendant. Action to establish a will. Judgment: My decision is that the will of 1912 cannot be admitted to probate and the action will be dismissed without costs. If, however, the family supporting this will do not contest any earlier will to be selected by the defendants but will agree to admit that to probate after formal proof without further litigation I would be disposed to give all parties costs out of the estate, as the present mass of evidence would so enure to that result.

Before Falconbridge, C.J.

Attenborough v. Waller—R. Holmes for plaintiff; W. G. Thurston, K.C., for defendant. Action to recover $870 for contents of garage goods, chattels, effects and property and building and material in rear of said garage, and $1,000 damages for deprivation, detention and use of said goods and chattels and property and loss of business and profits occasioned thereby. Judgment: The facts are set out in the statement of defence which I find to have been proved. Even if defendant had accepted or recognized plaintiff as his tenant, which he never did, the provision "that the lessee may remove his fixtures" means that "the lessee may at or prior to the expiration of the term hereby granted, take, remove and carry away." Defendant has always been willing to give up the electric sign on plaintiff proving it to be his property. This the defendant by his own memo (Ex. 7) valued at $50. Judgment for plaintiff for $50, with division court costs; defendant to have set off of costs as provided by R. 649. Execution whichever way the excess may lie. Thirty days' stay.

Before Latchford, J.

Chadwick v. Tudhope—S. S. Sharpe (Uxbridge) for plaintiff; J. M. Godfrey for defendants. Action by workman in defendants' employ to recover $5,000 damages for injuries received when operating a machine known as a jointer, whereby his right hand was almost severed, alleged to have been caused by negligence of defendants. Judgment: Let judgment be entered for plaintiff for $2,000 and costs. Stay of thirty days.

Appellate Division.

Before Meredith, C.J.O., Maclaren, J.A., Magee, J.A., Hodgins, J.A.

Toronto Suburban Railway Co. v. City of Toronto.—I. F. Hellmuth, K.C., for plaintiff, moved for leave to appeal. G. R. Geary, K.C., for the city. Leave to appeal granted, confined to the one point, whether having regard to the agreement between the company and the Town of Toronto Junction, there was judisdiction in the board to order the construction of a line on Annette and Keele streets.

Re Laidlaw and Campbellford, Lake Ontario and Western Railway Co.—A. MacMurchy, K.C., W. N. Tilley and A. M. Stewart, for defendants. M. K. Cowan, K.C., and E. G. Long, for Laidlaw. Appeal by the railway company from the judgment of the chancellor of 18th December, 1913, refusing to set aside an award or valuation of three arbitrators or valuators under an agreement to fix compensation for lands taken by the company and injuriously affected by such taking. The chancellor decided that there was no appeal on the ground that it was a valuation and not an arbitration. Appeal argued. Judgment reserved.

Jaggard v. Domestic Specialty Co.—J. M. Godfrey, for defendant. C. W. Bell (Hamilton) for plaintiff. Appeal by defendant from judgment of the county court of Wentworth of 8th December, 1913. Action by plaintiff, a machine operator in defendant's employment, to recover $500 damages for injuries caused by machine striking her on arm, alleged to have been caused by defect in machine, alleged to have been known by defendants. At trial, judgment was given plaintiff for $280 damages and costs. Appeal argued and dismissed with costs.

Johnston v. Biome—R. McKay, K.C., and C. B. Langs (Hamilton) for defendants. A. M. Lewis (Hamilton) for plaintiff. Appeal by defendant from judgment of Middleton, J., of 19th November, 1913. Action by a laborer to recover $10,000 damages for injuries resulting in a broken back, etc., thru the falling of a hoist in which plaintiff was working, alleged to have been caused by defendants' negligence. At the trial judgment was given plaintiff for $2500 and costs. Appeal partly argued, but not concluded.

Schofield v. Biome.—R. McKay, K.C., and C. B. Langs (Hamilton) for defendants. T. Hobson, K.C., and W. M. Telford (Hamilton) for plaintiff. Appeal by defendants from judgment of Middleton, J., of 19th November, 1913. Action by a bricklayer to recover $10,000 damages for injuries caused by the falling of a hoist in which he was working for defendants, in filling apertures in the brickwork of building, alleged to have been caused by negligence of defendants. At trial, judgment was given plaintiff for $3500 and costs. Appeal partly argued, but not concluded.

Before Mulock, C.J., Clute, J., Riddell, J., Sutherland, J., Leitch, J.

McColl v. Perth Felt Co.—L. F. Heyd, K.C., for plaintiff. J. G. Smith, for defendant. Appeal by plaintiff from judgment of Senkler, J., of County of Lanark, of 17th January, 1914. By consent, motion enlarged to April court.

Lougheed v. Gardner.—E. E. A. DuVernet, K.C., for defendants. J. M. Godfrey, for plaintiff. Appeal by defendants from judgment of Morgan, J., of County of York, of 22nd January, 1914. Action by teamster in defendants' employment to recover $1000 damages for injuries received while trying to stop the runaway horse of defendants, driven by him, on the ground that defendants knew the horse had a habit of running away. At trial, judgment was given plaintiff for $550 and costs. Appeal argued and dismissed with costs.

Mills v. McMurtry.—L. F. Heyd, K.C., for defendants. W. E. Raney, K.C., for plaintiff. Appeal by defendants from judgment of Meredith, C.J., of 27th May, 1913. Action by purchaser for specific performance of agreement for sale of land to her by vendor. At the trial, judgment was granted plaintiff for specific performance of contract with costs. Appeal argued and dismissed with costs.

Cowper-Smith v. Evans.— E. N. Armour, for defendant. W. C. Mikel, K.C., for plaintiff. Appeal by defendant from judgment of Deroche, J., of County of Hastings, of 26th January, 1914. Action by plaintiff, an engineer, to recover $280 wages alleged to be due him by defendant. Defence counterclaimed for $150, value of goods alleged to have been taken away by plaintiff from defendant's shop. At trial, judgment was given plaintiff for $280 and costs, and counter claim was dismissed with costs. Appeal argued and dismissed with costs. Counterclaim withdrawn and no cost thereof.

Bilton v. McKenzie.—H. C. Macdonald, for plaintiff. S. Denison, K.C., for defendant. Appeal by plaintiff from judgment of Britton, J., of 30th January, 1914. Action to recover $10,000 damages for death of plaintiff's husband, caused by a plank on which he stepped, breaking and throwing him to the next floor in a building in course of erection by defendant at the corner of Dufferin and King streets, Toronto. At trial, the action was dismissed with costs. Appeal argued. Judgment reserved.

Washburn v. Wright—R. McKay, K.C., for plaintiff. R. R. McKissock, K.C., for defendant. Appeal by defendant from judgment of Lennox, J., of Dec. 15,1913. Action by widow, the administratrix of Benjamin Washburn, for an account of partnership dealings and transactions between B. & Washburn, deceased, and defendant, and that the partnership be wound up under direction of the court. At trial judgment was given plaintiff as asked with reference to local master at Sudbury. Further directions and costs reserved. Judgment: It is true that defendant made some slight and unintentional errors in preparing his statement of the profits, but those errors do not in our opinion constitute fraud, and therefore the statement is unimpeachable and the appeal is allowed with costs. The deceased employe had overdrawn his account and the defendant is entitled to judgment on his counter-claim for $558.41 with costs.

Before Mulock, C.J., Riddell, J., Sutherland, J., Leitch, J.

White v. Anderson—C. P. McKeown, K.C., for plaintiff. J. L. Island (Orangeville) for defendant. Appeal by plaintiff from judgment of Fisher, J., of County Dufferin of 30th December, 1913. Action for $50 damages for trespass on lands of plaintiff and for $10 for pasture for years 1911 and 1912, and for an injunction to restrain future trespass. The judgment at trial declared the defendant entitled to use of the lane (private) to east of his property in block 8, Orangeville, and allowing plaintiff to recover from defendant $10 damages for excessive use of lane, etc. Each party to pay their own costs. Judgment: Appeal dismissed with costs.

Weston v. Middlesex—J. C. Elliott (Glencoe) for defendants. T. G. Meredith, K.C., for plaintiff. Appeal by defendants from judgment of Meredith, C.J., of 6th December, 1913. Action by plaintiff, a farmer, against the County of Middlesex for $5000 damages for a broken arm and other injuries alleged to have been received thru negligence of defendants in piling gravel, or permitting it to be piled on the road along which he was driving, in an illegal manner, thus causing his cutter to upset and throw the plaintiff out with the result stated. At trial judgment was enged for plaintiff for $1000 damages and costs. Judgment: Appeal dismissed with costs.

Before Mulock, C.J., Magee, J.A., Sutherland, J., Leitch, J.

City of Toronto v. Rogers—M. K. Cowan, K.C., and J. W. Pickup, for defendants. I. S. Fairty for plaintiff. Appeal by defendants from the judgment of Latchford, J., of Nov. 3, 1913. Action by the city to restrain defendants from erecting buildings in accordance with plans approved by the architect of the city, and on file in the city architect's office, upon property in limit B, under bylaw 6401 of the city. The judgment appealed from held the bylaw to be valid and made the injunction perpetual against erection of buildings in question. Judgment: For reasons given we think the clauses in the bylaw in question should be quashed and appeal allowed with costs.

Before Mulock, C.J., Clute, J., Riddell, J., Sutherland, J., Leitch, J.

Dancey v. Brown—R. McKay, K.C., for plaintiff. R. C. H. Cassels and C. Seager (Goderich), for defendants. Appeal by plaintiff from judgment of Doyle, J., of County of Huron, of Nov. 18, 1913. Action for a declaration that a conveyance by David Brown to co-defendant, Rosa Brown, is void, as against plaintiff and other creditors of defendant, David Brown, and that the same may be set aside and ordered to be delivered up to be cancelled. At trial the action was dismissed with costs on county court scale. Judgment: The debtor's circumstances both prior to and subsequent to the plaintiff's claim show that the conveyances had not the effect of hindering or delaying any of his creditors, and that the settlor was not guilty of any fraudulent intent. Appeal dismissed with costs.

Northern Electric and Manufacturing Co. v. Cordova Mines—R. McKay, K.C., for plaintiffs. J. M. Clark, K.C., for Cordova Mines. G. F. Shepley, K.C., and W. N. Tilley for defendants Hughes and McKechnie. Appeal by plaintiffs from judgment of Middleton, J., of Oct. 21, 1913. Action to recover $807.09, alleged to be due for goods sold and delivered by plaintiffs to defendants, and to set aside a mortgage for $60,000 by the mines company to defendants Graeme and McKechnie, and for an order that these defendants account for and pay all moneys received by them under said mortgage. At the trial the action was dismissed with costs as against all the defendants but the company, against whom judgment was already entered for debt, and declaring the validity of the mortgage in question as against the company and creditors. Judgment: The majority of the court are of opinion that the mortgage is ultra vires to the extent that it exceeds the liabilities of the company, which were cancelled because of the mortgage transaction, but is a valid security in respect of the actual amount of those liabilities. Judgment varied in accordance with this finding. There should be no costs payable by either party thruout including this appeal. Riddell, J., dissents.

Kellum v. Roberts—A. G. Slaght (Haileybury) for defendant. W. Proudfoot, K.C., for plaintiff. Appeal by defendant from judgment of Barrel, J., of County of Bruce, of Dec. 11, 1913. Action to recover $274.75, balance of money paid by plaintiff in purchasing cattle by defendant, etc. Defendant counter-claimed for $300 damages for delay in furnishing him the cattle. At trial judgment was given plaintiff for $270 with costs of action and counterclaim. Judgment: The conduct of the plaintiff, the two witnesses and the two jurymen is open to grave censure, and the trial judge might, and in our opinion ought to, have dealt with it when brought to his attention. No juryman should permit any person, whether a party to the action, a witness or a stranger, to hold any communication with him in regard to a case pending or about to come before such juryman. The conduct of the two jurymen in associating themselves with witnesses and the plaintiff and listening to the discussion of the case was most improper and deserved prompt and exemplary punishment by the trial judge. The verdict obtained under such circumstances must be set aside with costs of the trial and of this appeal to be paid forthwith by the plaintiff.