consider the plaintiffs' appeal. Not only is it clear to me that I would not myself think for a moment of trying this case with a jury, but, unless I entirely misapprehend the views of my brethren on the Bench, the plaintiffs cannot hope to bring this action to trial before any Judge of the High Court who would adopt any other course than that of summarily striking out the jury notice, if still subsisting, upon a mere perusal of the record.

I would dismiss the appeal with costs.

MULOCK, C.J., for reasons stated in writing, agreed in dismissing the appeal, inclining to the opinion that the action was one for equitable relief, and that the jury notice was, therefore, irregular; but, if it were not so, considering that the involved nature of the various matters set forth in the statement of claim shewed that no Judge would think it a proper case to be tried by a jury.

CLUTE, J., also agreed, for reasons stated in writing. He was of opinion that the action was one which belonged exclusively to the jurisdiction of the Court of Chancery prior to the Administration of Justice Act, 1873, and so, under sec. 103 of the Judicature Act, should be tried without a jury unless otherwise ordered: Pawson v. Merchants Bank, 11 P. R. 72; Farran v. Hunter, 12 P. R. 324; Sawyer v. Robertson, 19 P. R. 174. He was also of opinion that this was an action which no Judge would try with a jury: Montgomery v. Ryan, supra; Lauder v. Didmon, 16 P. R. 78.

RIDDELL, J. NOVEMBER 28TH, 1907.

TRIAL.

PEACOCK v. BELL.

Sale of Goods—Misdescription—Deceit—Agent of Vendor—Fraud—Contract—Proviso as to Representations—Knowledge of Defects—Estoppel—Ratification—Recovery on Notes Given for Price—Execution—Sheriff—Costs.

Action for damages for deceit and for other relief.

E. G. Porter, Belleville, for plaintiffs.

W. Proudfoot, K.C., for defendants.

RIDDELL, J.:—The plaintiffs had bought from the defendants a steam engine, and had given their notes therefor.