

case for payment out of Court of the sum of \$1,000 paid in as security under sec. 14 of the Dominion Controverted Elections Act, upon the filing of a petition and cross-petition in respect of a Dominion election. The petitions were filed after the Dominion elections held about four years ago. No trial had taken place; and, owing to the lapse of time, no trial, could take place. The \$1,000 paid in as security in each case had remained in Court, and the respondent in each case assented to its being repaid to the petitioners or their nominees. MIDDLETON, J., said that he could see no reason why, in these circumstances, the money should be retained; and the orders sought should, therefore, be made. C. M. Garvey, for the petitioners in the first case and respondent in the second. A. H. Beaton, for the petitioner in the second case and respondent in the first.

LEVINSON V. GAULT AND MACKEY (No. 2)—MIDDLETON, J.—
SEPT. 11.

Injunction—Preservation of Assets Subject to Execution—Judgment Set aside—Continuance of Interim Injunction pending Appeal—Practice—Costs.]—Motion by the plaintiff to continue an interim injunction granted for the purpose of preserving assets sought to be taken in execution in satisfaction of the judgment in Levinson v. Gault and Mackey (No. 1), which judgment was set aside by MIDDLETON, J. (ante, 14). MIDDLETON, J., said that, if the order setting aside the judgment was accepted as final, the present motion should be turned into a motion for judgment and the action be dismissed without costs. If an appeal is at once launched and set down, the interim injunction granted should be continued until the appeal is heard and disposed of. If the appeal is unsuccessful, the action should then stand dismissed without costs; if it succeeds, the injunction should be further continued until the trial. The hearing of the appeal, if any, should be expedited. Harcourt Ferguson, for the plaintiff. A. McLean Macdonell, K.C., for the defendants.