

to order examination of judgment facts that would lead the Judge to the same belief. *Case v. Laird*, 461.

See EXAMINATION, 3.

JURY.

Jury—Trial by—What is necessary to obtain order for.—In order to obtain a trial by jury, it is not sufficient to shew that there are issues of fact between the parties, for, by the statute, issues of fact are not to be tried by a jury, unless an order be made for the purpose. Some ground must be shewn to warrant active interference by making the order. *Morrison v. Robinson* 218

Jury—Trial by—What material is necessary to obtain order for—Onus on party applying.—54 Vic. c. 1, s. 33, provides that "all issues of fact in civil cases and proceedings at law shall be tried by a Judge without a jury, provided that an application may be made to a Judge in Chambers, to have the issue tried by a jury."

Held, that the onus of satisfying the Judge that the action is one that should be tried by a jury rather than by a Judge without a jury, lies on the party making the application, and an order for trial by a jury should not be made unless some substantial reason is shown for it.

Held, also, that an affidavit of the defendant's attorney that he believed the case to be one which could more properly be tried before a jury than a Judge, because at the trial questions of fact would arise in reference to which there would be a contradiction between witnesses, was immaterial in the absence of

LACHES.

Delay by sheriff in applying for interpleader.

See INTERPLEADER.

Delay in moving to strike out plea as embarrassing.

See PRACTICE.

LEAVE TO APPEAL.

See COUNTY COURT, 1.

LETTER DEMANDING MONEY WITH THREATS.

See CRIMINAL LAW, 1.

LIBEL.

Defamation—Questions for jury—Fair comment—Admissibility of evidence in rebuttal—Weight of evidence—Wrongful rejection of evidence.—In an action of libel against a newspaper publishing Company, the declaration alleged that the defendant Company printed and published of the plaintiff the following words: "Another disgraceful piece of business which has never yet been explained, was the celebrated \$500 a mile charge, which, had it not been for the watchfulness of the Free Press, would have put \$90,000 into the promoter's pockets, and everybody knows that the Attorney-General was the principal promoter," meaning as alleged in the innuendo that the plaintiff, who was the Attorney-General of Manitoba, procured the Province to enter into a contract