

judgment against the principal defendant. The magistrate's record, which was set out in said plea, contained this entry; "Thursday, the 24th Nov., having been appointed Thanksgiving Day, was a public holiday, in consequence of which the Court is held on Friday of this week;" and defendant's contention was that Thanksgiving Day, the day for which the cause stood for trial, not being a dies non or legal holiday within the meaning of 52 Vict., c. 27, s. 54, the Court lost jurisdiction over the cause by not taking it up on that day. JUDGE McLEOD, on application of plaintiff, struck out the plea under s. 133 of the Supreme Court Act. The above section 54 provides that the City Court shall be held on Thursday in every week, provided that when Christmas Day, or New Year's Day, or any other legal holiday shall fall upon Thursday, the said Court shall be held on the Friday in such week."

Held, on motion to rescind JUDGE McLEOD's order, that the plea was not embarrassing within the meaning of said section, plaintiff's remedy, if the plea were bad, being to demur to it. Order rescinded.

A. A. Wilson, Q.C., for plaintiff. W. B. Wallace, Q.C., for defendants.

Barker, J., in Equity.] IN RE THISTLE. [Mar. 27.

Infant's interest in land—Sale to pay for improvements—53 Vict., c. 4, s. 175.

Application under s. 175 of 53 Vict., c. 4, for an order to mortgage or sell lands belonging to infants to pay for improvements to buildings on land made by mother of infants refused, it not being shown that the expenditure was properly and necessarily incurred.

F. A. McCully, for petitioners.

Province of Manitoba.

QUEEN'S BENCH.

Bain, J.] KNOX v. MUNRO. [March 1.

Contract of hiring—Leaving service before expiry of term—Quantum meruit.

Appeal from a County Court.

The plaintiff's claim was for four months' wages at \$17 per month. He swore that the hiring was by the month, at \$17 per month; but defen-