

ONTARIO MOTOR CAR CO. v. GRAY—LENNOX, J., IN CHAMBERS
—DEC. 12.

Appeal—Motion for Leave to Appeal from Order of Judge in Chambers—Rule 507—Notice of Motion Containing Scandalous Matter—Removal from Files.]—Motion by the defendant Gray for leave to appeal from an order of MIDDLETON, J., in Chambers, of the 2nd December, varying an order of the Master in Chambers and directing that all proceedings in this action subsequent to the service of the writ of summons be set aside, and that the defendant Gray be allowed three days within which to enter an appearance. LENNOX, J., in a written judgment, said that what the defendant really complained of was that MIDDLETON, J., made an order which wrested the action and issues from the hopeless chaos into which they had drifted by a succession of blunders, to which both sides contributed, and put the issues in order for a fair trial. The conditions of Rule 507 are conjunctive, not alternative. LENNOX, J., was not at all of opinion that there was good reason to doubt the correctness of the order of MIDDLETON, J.; and certainly the questions raised did not involve matters of such importance that leave to appeal should be granted. The notice of this motion contained scandalous matter, and it must be removed from the files of the Court. The motion must be dismissed with costs to the plaintiffs in any event. The defendant Gray in person. J. S. McLaughlin, for the plaintiffs.

McLENNAN v. DINSMORE—MIDDLETON, J., IN CHAMBERS—
DEC. 13.

Costs—Scale of—Taxation—Amount in Controversy—Set-off—Jurisdiction of Inferior Court.]—Appeal by the plaintiff from the ruling of a local officer as to the scale of costs. MIDDLETON, J., in a written judgment, said that the case was covered by *Caldwell v. Hughes* (1913), 4 O.W.N. 1192, the plaintiff's costs should be taxed on the Supreme Court scale, and the appeal must be allowed with costs. G. R. Munnoch, for the plaintiff. No one for the defendant.