

F. J. CASTLE CO. LIMITED v. BAIRD—DIVISIONAL COURT—  
MARCH 15.

*Partnership—Holding out—Estoppel—Judgment—Election.*] Appeal by the defendant Baird from the judgment of BRITTON, J., ante 403. The Court (BOYD, C., MAGEE and LATCHFORD, JJ.) dismissed the appeal with costs. W. L. Scott, for the appellant. J. F. Warne, for the plaintiffs.

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MCDONNELL v. GREY—MASTER IN CHAMBERS—MARCH 16.

*Venue—Action against License Commissioners—R. S. O. 1897 ch. 88, sec. 15.*]—Motion by the defendants to change the venue from Barrie to Whitby. The action was against the license commissioners and inspector for North Ontario for an injunction restraining the defendants from removing a license from hotel premises owned by the plaintiff, or for a mandamus to restore the same, and for damages and other relief. The motion was made on the ground that the defendants were persons fulfilling a public duty, within the meaning of R. S. O. 1897 ch. 88, and that this was an action which, under sec. 15, should be tried in the county where the act complained of was committed, i.e., in the county of Ontario. The defendants relied on Leeson v. License Commissioners of Dufferin, 19 O. R. 67, and the plaintiff on Haslem v. Schnarr, 30 O. R. 89. The Master distinguished the Leeson case, and, following the Haslem case, dismissed the motion; costs in the cause. H. P. Cooke, for the defendants. D. Inglis Grant, for the plaintiff.

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STANDARD CONSTRUCTION CO. v. WALLBERG—MASTER IN CHAMBERS—MARCH 17.

*Conditional Appearance—Defendant Residing out of the Jurisdiction—Joint Liability.*]—Motion by the defendant Wallberg for leave to enter a conditional appearance. The action was against Wallberg and a company to recover the value of work done by the plaintiffs. The defendant Wallberg resided in Montreal, and was sued as jointly liable for the work. He wished to dispute the jurisdiction of the Court, but did not move to set aside the service upon him or the order for the issue of a concurrent writ. The motion was refused. Con. Rule 162 (e) and (h), Comber v. Leyland, [1898] A. C. 527, and Emanuel v. Symon, [1908] 1 K. B. 302, referred to. Motion dismissed with costs to the plaintiffs in any event. M. Lockhart Gordon, for the defendant Wallberg. G. F. McFarland, for the plaintiffs.