

Guarantee—Remedies given by agreement—Right of promisee to choose remedy—Alleged variation of contract—Release of surety—Variation permitted by agreement—Materiality. *Guelph, City of, v. Jules Motor Co.*, 823.

PROCESS.

Writ of summons—Service out of jurisdiction—Contract made in Montreal—To be performed there—Debts due defendant in jurisdiction exceeding jurisdiction—Con. Rule 162 (e) and (h)—Discretion of Court—To restrain unwarranted assertion of extra-territorial jurisdiction—Action stayed—Costs. *Gibbons Ltd. v. Berliner Gramophone Co.*, 544.

Writ of summons—Service out of jurisdiction—Motion to set aside—Conditional appearance—Cause of action. *Farmers' Bank v. Security Life Assce. Co.*, 17.

PROHIBITION.

See **MANDAMUS**.

RAILWAYS.

Street railway—Extended switches and turnouts—Freight—Agreements and statutes affecting company—Construction of. *Waddington and Toronto and York Radial Rv. Co.*, Re, 775.

REFERENCE.

Accounts—Appeal from master—Reduction in amount found due. *Richards v. Lambert*, 780.

SALE OF GOODS.

Bees and honey—Wrongful seizure and detention—Counterclaim—Findings of trial Judge—Refusal to interfere with. *Simpson v. Parks*, 837; *Parks v. Simpson*, 837.

Express warranty—Alleged breach—Evidence—Onus—Acceptance—Counterclaim. *Harrison v. Knowles et al.*, 672.

Express of implied warranty—Evidence. *Canadian Gas Power & Launches v. Orr Bros.*, 315.

Gas engine—Implied warranty—Express contract—Reliance on skill and knowledge of vendor—Fraud—Damages—Repairs—Loss of business—Rescission of contract. *Alabastine Company, Paris, Limited v. Canada Producer and Gas Engine Co. Limited*, 841.

Place of delivery of goods—"Site of work"—Meaning of—Reformation of contract. *Wallberg v. Jenckes Machine Co., Ltd.*, 891.

Rescission of contract—Motor car—Not in accordance with specifications—Sale by sample—Implied warranty. *Trethewey v. Moyes*, 563.

Wheat in elevator—Destruction by fire—Passing of property in—Payment of transshipping charges by vendor—"Track Owen Sound"—Meaning of—Knowledge of bailee—Salvage—Claim on insurance company—Estoppel by. *Inglis v. Richardson*, 721.

SCHOOLS.

Public—Expropriation of land for site—Action for injunction restraining arbitrators from proceeding—School Sites Act, 9 Edw. VII. c. 93—Remedy by summary application to county Judge—Action dismissed—Costs. *Sandwich Land Improvement Co. v. Windsor Board of Education*, 142.

Township continuation school—Establishment of—Duty of school board—Requisition for funds—Mandamus. *West Nissouri Continuation School, Re*, 601.

SOLICITOR.

Costs and charges—Statute fixing amount of costs of litigation payable to client—Construction and effect of—2 Geo. V. c. 125, s. 6—Solicitors Act s. 34—Premature action by solicitor—Necessity for delivery of bill. *Gundy v. Johnston*, 101.

Cross-examination on affidavit—Made in cause—Right of solicitor to professional fee—Item 119—Tariff of disbursements. *Campbell v. Verral*, 175.

STREET RAILWAYS.

Ontario Railway and Municipal Board—Jurisdiction of—Agreement between municipalities—"Net annual pro-