

Province of Manitoba.

COURT OF APPEAL.

Full Court.] CHODERKER v. HARRISON. [June 13.
Landlord and tenant—Action by sub-tenant for wrongful distress.

Appeal from the judgment of ROBSON, J., noted ante, p. 75, dismissed with costs.

Full Court.] EGGERTSON v. NICASTRO. [June 13.
Fraudulent conveyance—27 Eliz. c. 4—Voluntary settlement.

Appeal from judgment of PRENDERGAST, J., noted vol. 46, p. 550, dismissed with costs.

Full Court.] [June 12.

DALZIEL v. HOMESEEEKERS LAND, ETC., CO.

Vendor and purchaser—Cancellation of agreement of sale—Forfeiture—Repayment of monies paid on account—Damages.

Appeal from decision of ROBSON, J., noted ante, p. 153, allowed with costs.

Held, that, the plaintiff, having deliberately refrained from continuing his monthly payments for over two years and a half because the land had diminished in value and he was in doubt whether it "would do him any good" to pay any more instalments, was not entitled to any equitable relief against the forfeiture provided for by the contract, and, therefore, could not recover the amount he had paid. *Whitla v. Riverview*, 19 M.R. 746, distinguished, as in that case, because of the pleadings and the refusal of counsel to raise the point, the question of the purchaser's laches was, in the view of the majority of the Court, not before it for decision.

Hansford, for plaintiff. *Locke*, for defendants.

Full Court.] [June 12.

WINNIPEG OIL CO. v. CANADIAN NORTHERN RY. CO.

Railway Act, R.S.C. 1906, c. 37, s. 298—Evidence—Fire started by sparks from locomotive—Contributory negligence—Action for injury to land out of the jurisdiction.

Appeal from decision of PRENDERGAST, J., noted vol. 46, p.