

RE HAY AND ENGLEDDUE—SUTHERLAND, J., IN CHAMBERS—
MAY 17.

Jurisdiction—Order in Chambers—Refusal of Motion to Set aside—Appeal—Renewal of Application—Dismissal.—Application by E. F. Kendall and John S. Whiting to set aside a former order made by SUTHERLAND, J., on the 27th April, 1915. The learned Judge, in a brief memorandum, said that, having regard to the motion subsequently made and his order disposing thereof, dated the 30th March, 1918 (14 O.W.N. 90), his leave to appeal to a Divisional Court, and the order subsequently made by a Divisional Court on the 31st January, 1919 (15 O.W.N. 391), dismissing the appeal from the order of the 30th March, he was of opinion that he had now no jurisdiction to entertain this motion, which was therefore dismissed with costs. M. L. Gordon, for the applicants. T. R. Ferguson, for the estate of Alexander M. Hay.

McGIBBON v. CRAWFORD—BRITTON, J.—MAY 17.

Mortgage—Discharge—Authority for.—An action for damages for the alleged wrongful discharge by the defendants of a certain mortgage held by the defendant Robert Crawford, without authority to discharge it and without payment of any money, as the plaintiff alleged. The action was tried without a jury at Brampton and Toronto. BRITTON, J., in a written judgment, said that, upon the evidence and the proper inferences to be made, the discharge was executed with the knowledge of the plaintiff; and the action should be dismissed with costs. William Laidlaw, K.C., for the plaintiff. A. G. Davis and G. W. Mason, for the defendants.