

son Bay Co., 17 W.L.R. 61. But it will be if he proceeds upon a wrong principle, McCormick v. C.P.R. *supra*.

Jury trial refused where:—

Although an action appears to be brought under an Act of another province where the cause of action arose similar to the Act of the Manitoba Legislature referred to in 49 (1), it is not within the class of actions which may be tried by a jury without an order, *Simonson v. C.N.R.*, 23 M.R. 540, 23 W.L.R. 705; the plaintiff has elected his forum and set down the case for trial by a Judge without a jury, even though an application would otherwise have been successful, *McConnell v. Winnipeg Electric Co.*, 23 M.R. 23, 23 W.L.R. 325, even though the case was struck off the trial list once in the plaintiff's absence; but the defendant cannot so fix the forum and prevent the plaintiff so applying, *Moyer v. Jones*, 22 M.R. 803, 22 W.L.R. 858. Where a plaintiff claimed to be suing under the Workmen's Compensation for Injuries Act, was held not to be a "workman" within the meaning of the Act, *Hewitt v. Hudson's Bay Co.*, 15 W.L.R. 372, see 17 W.L.R. 61.

JURY TRIAL ORDERED: In an action for damages for serious injury caused by alleged negligence (in running an automobile or the wrong side of the road into the plaintiff on his motor cycle) *Clarke v. Laing*, 23 M.R. 537, explaining *Navarro v. Radford Wright Co.*, 22 M.R. 703. When the Judge is satisfied on the material filed that the injury was serious and the damages in case of success would be substantial, *Jocelyn v. Sutherland*, 23 M.R. 539, 23 W.L.R. 392.

In an action for conspiring to cause a wrongful dismissal and to slander plaintiff as one at least of the causes of action was akin to two of those referred to in this section, viz. slander and malicious prosecution, *Robinson v. G.T.P.*, 23 M.R. 408, 24 W.L.R. 38, 781, following *Griffiths v. Winnipeg Electric Ry. Co.*, 16 M.R. 512.

In actions where serious injury was sustained, and as to sufficiency of material on such an application, and review of Judge's discretion by the Court of Appeal, *Navarro v. Radford-Wright Co.*, 22 M.R. 730, 22 W.L.R. 665.

In an action under Lord Campbell's Act, if the person injured would have been entitled to one if he had brought action, *Marion v. Winnipeg Electric Ry. Co.*, 21 M.R. 757, 20 W.L.R. 55.

In an action under the Workmen's Compensation Act and