

Damages for non-acceptance — Sample rejected—Tender of other sample —Refusal to accept—Sample sent not in accordance with contract—Variation of contract. *Graham Co. v. Canada Brokerage*, 277.

Partial failure of consideration —Defective condition of motor car—How far a defence to action—Damages—Costs. *Automobile Sales Limited v. Moore*, 26.

Specific performance — Mill and machinery—Mutual mistake as to locus and possession—Inequitable conduct of plaintiff—Costs. *Hamilton v. Smythc*, 809.

SCHOOLS.

Township continuation school — Resolution of township council—Guarantee of school board debts—Ultra vires—Injunction—Costs. *McFarlane v. Fitzgerald*, 230.

SOLICITOR.

Bill of costs taxed and unpaid—Moneys in Court—Lien on. *Canada Carriage Co. v. Lea*, 976.

Negligence — Failure to issue writ against municipality in time—Evidence—Lack of instructions—Damages—Mistaken opinion of solicitor as to law. *House v. Shaw*, 283.

STATUTES.

Construction of—City and Suburbs Plans Act — 2 Geo. V., c. 43 — Rule against retroactivity. *Toronto v. William J. Hill*, 388.

Construction of Municipal Waterworks Act—R. S. O. 1897, c. 235, s. 41 — To be read and construed as part of Municipal Act — Waterworks Commission — Grounds for disqualification—Incumbent high school trustee—Quo warranto. *R. Ex rel. Gardhouse v. Irwin*, 466.

Validity of marriage—1 Geo. V. c. 32—Constitutionality of—Evidence—Refusal to make order. *Malot v. Malot*, 714, 884.

TRESPASS TO LANDS.

Action for possession of lands—Non-termination of existing tenancy — Proof of title. *Laporte v. Wilson*, 543.

Injunction—Dispute as to boundaries —Interim injunction — Scope of—Damages sustained under — Trivial nature of —Reference refused. *Douglass v. Bullen*, 890.

Mandatory injunction — Damages —Costs. *Singer v. Prosky*, 353.

TRIAL.

Jury notice — Appeal from order striking out—Con. Rule 1322—Effect of —Exercise of discretion by Judge in Chambers—No appeal from. *Cornish v. Boles*, 877.

Jury notice — Equitable relief only sought—Notice struck out — Con. Rule 1322. *Kelly v. McKenzie*, 711.

Jury notice—Motion to strike out—Action for rescission of land purchase—Con. Rule 1322. *Murray v. Thames Valley G. L. Co.*, 311.

Jury notice—Striking out—Practice. *Stanzel v. Case Threshing Machine Co.* 369.

Motion to have actions tried together—Leave to serve jury notice—Identity of issue — Question as to—Application to trial Judge. *Rogers v. Wahnapietaw Power Co.*, 766; *Rogers v. Imperial Portland Cement Co.*, 766.

Motion to postpone — Absence of alleged material witness—Disregard of Con. Rule 518—Nature of expected evidence not divulged—Matter left to discretion of trial Judge—Terms.—*Cinnamon v. Woodmen of the World*, 379.

No tender of evidence—Dismissal of action—Motion to adjourn—Absence of material witness—Witness in question hopelessly insane and confined in asylum—Particulars not complying with order—Action of Crim. Con. — Odious charge—lack of bona fides on part of plaintiff—Delay. *Haines v. McKay*, 1.

Postponement—Absence of necessary and material witness—Custody of child—Jurisdiction as to terms—Costs. *Armstrong v. Armstrong*, 633.

Postponement—Granted on terms—Leave to sell land pendente lite. *Topper v. Birney*, 246.

Postponement—Reasons for—Terms. *Grocock v. Allen & Co. Limited*, 702.