

moment of the day on which it is done, and partly upon the general rule that the word "from" may be either inclusive or exclusive, according to circumstances, and that these, for the reasons assigned by the learned Judge (Wilson, J.), who delivered the judgment in the case referred to, required it to be construed as inclusive in computing the year from the teste of the execution for the purpose of its renewal.

The amount in question here is not large, and I am unable to suggest any reason for thinking that the judgment of the trial Judge, affirmed without dissent by the Divisional Court, is wrong. I therefore refuse leave to appeal. Costs must follow, to the respondents.

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CARTWRIGHT, MASTER.

DECEMBER 13TH, 1907.

CHAMBERS.

McKENZIE v. SHOEBOTHAM.

*Jury Notice—Irregularity—Cause Removed from Surrogate Court into High Court—Terms of Order Removing—Time for Filing Jury Notice.*

Motion by plaintiff to set aside a jury notice filed and served by defendant.

Grayson Smith, for plaintiff.

H. L. Drayton, for defendant.

THE MASTER:—On 6th December instant an order was made, on plaintiff's application, transferring this action from a Surrogate Court to the High Court, to be tried at Woodstock. The motion to transfer was opposed by the defendant, and her solicitor filed an affidavit that the case could not be ready for the non-jury sittings at Woodstock commencing next week, and that defendant required a trial by jury. The order directed that the pleadings and proceedings "do stand in the same plight and condition in which the same are now in said Surrogate Court."