

HELSDON V. BENNETT—FALCONBRIDGE, C.J.K.B., IN CHAMBERS—
Nov. 13.

Trial—Jury Notice—Place of Trial.]—Motion by the defendant for an order striking out the jury notice and directing that the action be placed on the non-jury list for trial at Stratford on the 28th November, 1916. FALCONBRIDGE, C.J.K.B., in a written judgment, said that he must give the plaintiff credit for having some confidence in the merits of his case and for a desire also to bring it on for trial as soon as it is safe for him to do so. He also has some rights as to the place of trial. The defendant's motion for trial at Stratford ought not to prevail. If there should be separate sittings at Woodstock in the spring for jury and non-jury cases, this case should be entered for trial at the jury sittings, and the motion to strike out the jury notice referred to the trial Judge. Costs of both motions (as in Chambers) to be costs in the cause to the successful party. W. C. Brown for the defendant. W. N. Tilley, K.C., for the plaintiff.

RE PORT ARTHUR WAGGON CO. LIMITED—SMYTH'S CASE—RID-
DELL, J., IN CHAMBERS—NOV. 13.

Company—Winding-up — Contributory — Order of Judge in Court—Leave to Appeal—Winding-up Act, R.S.C. 1906 ch. 144, sec. 101.]—Motion by the liquidator of the company for leave to appeal from the order of BRITTON, J., of the 15th January, 1916, allowing an appeal from a decision of the Master in Ordinary in a winding-up matter: 9 O.W.N. 383. RIDDELL, J., in a written judgment, said that several points of considerable importance, which should be authoritatively settled, were raised. The delay had been considerable, and the explanation rather limped. But, on the whole case, he was of opinion that, upon the applicant paying forthwith the costs of this application, and within 20 days giving the security required by the Act, he should have leave to appeal; the respondent upon the appeal to be at liberty to raise the objection that the liquidator has disposed of the assets. Peter White, K.C., for the applicant. Strachan Johnston, K.C., for W. R. Smyth, the respondent.