

license therefor required. The motion was dismissed, but without costs, on the ground that the defendant's right to certiorari was taken away by statute, and so his right to move summarily under the new procedure: *Rex v. Cook*, 18 O. L. R. 415. The case was similar to *Rex v. Lamphier*, 17 O. L. R. 244; and there was nothing in that case to impair the decision in *Rex v. Cook*. If the Chief Justice had been at liberty to consider the objection that the magistrate unreasonably and without just cause refused the application for an adjournment, he would have considered this case, in its facts, more like *Rex v. Luigi*, ante 182, than *Rex v. Lorenzo*, ante 179. R. C. H. Cassels, for the defendant. J. R. Cartwright, K.C., for the Crown.

FELKER V. MCGUIGAN CONSTRUCTION CO.—MASTER IN CHAMBERS
—DEC. 3.

Pleading—Embarrassing Reply.]—Action for trespass to the plaintiff's land arising out of the construction of a transmission line for the Hydro-Electric Commission. The defendants pleaded leave and license; that the trespasses were committed under a contract with the Hydro-Electric Commission; that the Commission was entitled under its statutory powers to enter upon the plaintiff's lands, and that the defendants were authorised by the Commission; and that the Commission was a necessary party. By her reply the plaintiff raised questions as to the rights of the Province of Ontario over the Niagara river. The Master considered that the paragraphs of the reply raising these questions were irrelevant, and therefore embarrassing, and ordered them to be struck out; costs in the cause. Reference to *Smith v. City of London*, 12 O. W. R. 675, 677; *Florence Mining Co. v. Cobalt Lake Mining Co.*, 18 O. L. R. 275. R. H. Parmenter, for the defendant company. A. W. Ballantyne, for the other defendants. J. H. Moss, K.C., for the plaintiff.