

AT OSGOODE HALL

ANNOUNCEMENTS.

5th October, 1911.  
Judges' Chambers will be held on  
Friday, 6th inst., at 10 a.m.  
Peremptory list for divisional  
Friday, 6th inst., at 11 a.m.  
Rex v. Ring.

Jenkins v. Cobalt Majestic.  
 Peremptory list for court of a  
 Friday, 6th inst., at 11 a.m.  
 Re Hunter Estate. (To be  
 used).  
 Sharpe v. Waite.  
 Davey v. Foley-Rieger.  
 Horan v. McMahon.  
 Master's Chambers.

Before Cartwright, K.C.. Master  
National Trust Co. v. Trust  
Guarantee Co.—R. C. H. Cassels  
Plaintiffs. W. Laidlaw, K.C., for  
Defendant. Motion by plaintiffs for

er striking out paragraphs 7, 8  
also first part of paragraph 11

trassment of defence as being  
trassment, and a motion by defence  
have Imperial Plaster Co. added  
defendant. Reserved.  
Jorgan v. Johnson—D. I. Grant  
defendants. A. H. F. Lefroy, K.C.,  
plaintiff. Motion by defendants for  
either striking out statement of  
embarrassing or to require plain-  
tiff elect against which defendant  
proceed. Reserved.  
Jorgan v. Payne—D. I. Grant for  
plaintiff. A. H. F. Lefroy, K.C., for  
defendant. M. W. Ludwig, K.C., for  
plaintiff. Motion by defendant for  
striking out part of statement of  
embarrassing. Enlarged until  
next week.

land v. Hall—R. C. H. Cassels  
endant. F. McCarthy for plain  
out by defendant for an order st  
out paragraphs 5, 6, 7 and  
of claim, or for particular  
nervite v. Kennedy—D. L. Grant  
ntiff. J. Mitchell for defend  
by plaintiff for judgment u  
R. 603. Enlarged for a week v  
to be to both parties to put in fur  
ential.

Single Court.  
Before Palacebridge, C. J.  
Brown Estate—F. Denton,  
committee. F. E. Hodgins, K.C.  
utors. Motion by the execu  
estate of George Brown,  
sed, for an order constituting his  
the question whether the widow  
ed upon the election of her heir in  
the provisions of the will in

to the insurance policies and regard to the real estate devised to her. (V.V.): I am of opinion that the committee as representing the estate is not bound to elect against the will, that is that the widow is entitled to the right, which she had under the insurance policy, as well as the real estate, and need only elect as to the real estate devised to her. Costs awarded to her.

**Standard Cobalt Mines—J. A. Smith for Bailey Cobalt Mines. A. J. Smith for Standard Cobalt Mines. J. A. Smith for the liquidator.** An order was made that the Standard Cobalt Mines from the report of the master. Enlarged sine die. The case was placed on list when convenient.

anny v. McLean—E. Meek, K.C.,  
ntiff. A. B. Armstrong for def  
t. Motion by plaintiff for ju  
t on report of master in ordin

ment for plaintiff for \$3016.90 pursuant to report.

The Ontario Accident Insurance Commission case and Rolph, Clark & Co., N. Tilley and G. Smith, for life insurance company. J. H. Jones, Lawrence and Rolph, Clark. Two

[illegible][illegible]

Divisional Court.

order directing them to perform the contract in question, and to purchase money into court. On Saturday, J. varied by permitting the appellants to pay the balance under the contract, into court, instead of directing them to do so, by the dates for such payment. The result of payment upon the contract, the relief under the contract, will be given to the parties so entitled, in the form therein set out. The effect of the order is that the appellants are allowed to drop without costs, and without prejudice to any further action the appellants may be desired to make. Time for payment

**AT OSGOODE HALL**  
**ANNOUNCEMENTS.**

5th October, 1934.  
Judges Chambers will be held on  
Friday, 6th inst., at 10 a.m.

Peremptory list for divisional  
Friday, 6th inst., at 11 a.m.  
Rex v. Ring.  
Verral v. Dominion Auto.  
Jenkins v. Cobalt Majestic.

Peremptory list for court of assizes  
Friday, 6th inst., at 11 a.m.  
Re Hunter Estate. (To be  
used).  
Sharpe v. Waite.  
Davy v. Foley-Rieger.  
Horan v. McMahon.

**Master's Chambers.**

**Before** Crichtwell, K.C., Master.  
**National Trust Co. v. Trust**  
**for the Benefit of the**  
**Beneficiaries of the**  
**Trust.** Motion by plaintiffs for  
an order striking out paragraph 7, 8 and  
also first part of paragraph 19 of the  
statement of defence as being  
unavailing, and a motion by defendants  
to set aside the Plaintiff's Co. added  
defendant. Reserved.  
**Jorgan v. Johnson, D. I. Grant**  
**vs. Defendants.** A. H. F. Lefroy, K.C., for  
Plaintiff. Motion by defendants for  
an order striking out statement of  
defence as embarrassing or to require plaintiff  
to elect against which defendant  
he would proceed. Reserved.  
**Sydney v. Payne—D. I. Grant**  
**vs. Defendant.** M. H. Ludwidge, K.C., for  
Plaintiff. Motion by defendant for an  
order striking out statement of  
defence as unavailing. Reserved.

...ing out part of statement of client  
 embarrassing. Enlarged until  
 ...elland v. Hall-R. C. H. Cassels  
 ...ellant. F. McCarthy for plaintiff  
 ...out defendant for an order set  
 ...out paragraphs 5, 6, 7 and 8  
 ...of Kennedy, or for particu  
 ...merged.  
 ...nergette v. Clancy-D.I. Grant  
 ...ntiff. J. Mitchell for defend  
 ...plaintiff for judgment un  
 ...R. 503. Enlarged for a week  
 ...to both parties to put in fur  
 ...erial.  
 ...Snigle Court.  
 ...Before Falconbridge, C. J.  
 ...Brown Estate-F. Denton, E.

committee. F. E. Hodgins, K.C., seconded. Motion by the executor of the estate of George Brown, that the committee be authorized to be asked, for an order construing his will, the question whether the widow be allowed to elect between her dower and the provisions of the will in regard to the insurance policies held by her, and the real estate devised by her. (V.V.): I am of opinion that the committee as representing the estate is not bound to elect against the will, that is that the widow has the right, which she had under the insurance policy, as well as the right to elect to take her dower and need only elect to take the real estate devised to her. Costs of the application.

Standard Cobalt Mines—J. H. Bailey Cobalt Mines. A receiver for Standard Cobalt Mines was appointed. An appeal by the receiver from the report of the master enlarged sine die. The receiver was replaced on list when convenient.

L. J. McLean—E. Meek K.C. Motion by plaintiff for judgment on report of master in order of payment for plaintiff for \$3016.90 pursuant to report.

Ontario Accident Insurance Commission case and Ralph Clark K.C. Motion by plaintiff for judgment. N. Tilley and G. Smith, for Receiver of company. J. E. Jones, for defendant and Ralph Clark. Two appeals by liquidator from the report of the master.

A. McAndrew, an official receiver.

arged until 13th inst.

New City Bk. Co. v. Gibson—Held for plaintiffs' motion by plaintiff's attorneys for an order compelling the defendant herein. Enlarged for one week on continued meantime.

Lister Estate—E. F. Lazier (Husband) vs. E. F. Lazier (Husband), for executors. E. C. Cattaneo vs. E. F. Lazier (Husband), infant. Motion by trustees of the estate for an order compelling the defendant herein to produce the original of the mortgage of the estate for the purpose of appraising the same for modeling and improving the profits of the testator, in the City of Hartford. Order appointing the defendant herein as guardian to represent the unborn child of the testator, and authorizing a mortgage to be made in the City of Hartford for the sum of \$100.00, on consent of adult members of the family.

the property. Costs of all parties to be paid by estate.  
The Corkett Estate—W. Mulock, executor, vs. George Corkett, petitioner. B. F. J. C. for executors. W. H. McCaffrey, for Margaret Key, E. C. Cadden, for infants. Motion by William George Corkett for an order that the will of the late George Corkett declaring the rights of the parties be made, by consent, for payment of applicant of \$600, and for payment of \$100 per month for the next 5 years, until applicant arrives at the age of 25 years, and all rights of parties be retained. Costs of all parties to be paid by estate; those of executors to be paid by solicitor and client.  
The S. H. Smith—F. McCarthy, executor, vs. Proudfoot, K. C., for N. Hardy Smith. W. G. Eburnson, K. C., for A. A. Hastings. E. C. Cattanach, for infants. Costs of all parties to be paid by estate.

**Divisional Court.**  
Before the Chancellor; Latchford, Middleton, J.  
Beckie v. Marshall—G. Bell, K.C., Marshall, and J. Glick's Siding Development Co., J. Becknell, K.C., and J. Beckie, for plaintiffs. No one for respondents. An appeal by defendants from a judgment of the Siding Development Co. and J. Beckie.

appellants to pay instalments under the contract, into each of directing them so to do, and the dates for such payment. The result of payment upon the date appointed, the relief under the contract to be given to the parties so entitled in the form therein set out. The nature of relief asked on the motion was to drop without costs, without prejudice to any further action the appellants may be directed to make. Time for payment

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The new line between Toronto and Trenton opens for traffic on Monday, October 8th, and all shipments will be accepted for Malvern, Chestwood, Greenburn, Brookling, Oakton, Oakville, Grange Heights, Grange, Osaca, Port Hope, Cobourg, Gravelton, Colborne, Brighton and Trenton, and intermediate points on the Central Ontario Railway and the Grand, Bancroft & Ottawa and Rideau.

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Committee: Frank Yeigh; A. C. Sellers; R. W. Merrill; B. A. Gardner; Mrs. D. T. McKeerroll; Nellie Boynes.

Ex-officio: Rev. J. C. Robertson; Dr. Rev. S. T. Bartlett; Rev. E. J. Dwyer; Rev. J. H. McKeerroll; Dr. R. M. Gassford; Dr. Cyril E.

**SUPREME COURT**

**British Columbia Electric Railway Case Reserved—Ozla's Appeal Lay**

OTTAWA, Oct. 5.—In the supreme court to-day, the appeal in British Columbia Electric Railway Company v. Ozla was heard. The plaintiff's husband was employed in the company's workshops at New Westminster, B.C., and was traveling without a ticket of fare from the company to work at New Westminster on a passenger car, which was some distance behind a train of freight cars proceeding on the same line. The de-

car of the freight train became derailed in some unexplained manner, and he was thrown backward down a grade. The railroad company and the plaintiff's husband.

In an action to recover damages, the jury found that the defective system of operation and awarded \$11,000 damages to the plaintiff. On this verdict the trial judge granted judgment for the defendant. The Circuit Court of Appeals affirmed this judgment on the ground that, while there was no evidence of defective equipment, the defendant was negligent. It was not shown that the car was traveling in such circumstances as to come within the rule of contributory negligence. The plaintiff was the fellow servant. Judgment was reserved.

The case of *Reeves v. Supreme Court of Alberta*, was then taken up. The appellant purchased machinery from the Reeves Company on contract, and was rejected for failure to satisfy warranties within a limited time. The machinery was found defective and the appellant was found, but continued using the machinery till long after the time limited for rejection. The machinery was used on several occasions by the company, but it is alleged that they did not put the machinery in proper order for the use of the appellant. The appellant sued for the balance of the unpaid price, the appellant contended that his right of rejection and the right of return was not available. The trial judge held that

his conduct in continuing to work machinery after he had discovered alleged defects, he was estopped from complaining and entered judgment against him for the amount of claim. This decision was affirmed by the full court.

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Central Comm  
Meeting Address

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