

he had conferred with MIDDLETON, J., who thought that, as a nice question of law was involved, and the effect of his decision was seriously to impair the title to a valuable property, the time for appealing ought to be extended. The Chief Justice, being of the same opinion, made an order extending the time; the appeal to be set down at once; and costs of the application to be disposed of by the Court which shall hear the appeal. Merritt A. Brown, for the vendor. J. H. Bone, for the purchaser.

COUNTY COURT OF THE COUNTY OF HALTON.

ELLIOTT, Co.C.J., IN CHAMBERS.

APRIL 23RD, 1915.

TWISS v. CURRY.

Assault—Civil Action for—Previous Conviction by Justice of the Peace Pleaded in Bar—Criminal Code, sec. 734—Jurisdiction of Justices—Information under sec. 295—Conviction for Common Assault—Secs. 732, 733, 734, 785, 791, 792 of Code.

In an action for damages for an assault by the defendant occasioning severe physical injuries to the plaintiff, the defendant, besides other defences, set up, in paras. 4, 5, 6, and 7 of his statement of defence, that an information was laid against him by the plaintiff for the same assault, upon which he was convicted by two Justices of the Peace of a common assault, and fined \$20 and costs, which he paid; and he claimed the benefit of sec. 734 of the Criminal Code as a bar to the action.

The plaintiff moved to strike out these paragraphs as improper, embarrassing, and irrelevant.

It appeared that the information was laid under sec. 295 of the Code, charging the assault and that it occasioned actual bodily harm to the plaintiff. The information was not amended.

The motion was heard by the County Court Judge in Chambers.

J. A. E. Braden, for the plaintiff.

W. I. Dick, for the defendant.