

So that in the present instance, the judgment being for \$2,500, an appeal would lie to the Court of Appeal by either party from the judgment of a Divisional Court granting or refusing a new trial.

The plain object, and a laudable one it appears to me, of the new section 76 (a) was to avoid as far as possible the double appeal, first to a Divisional Court and then to the Court of Appeal, in cases likely from their nature and the amount involved to proceed to the Court of last resort.

And to this end liberty is given by the section to the parties themselves to consent, and thus simply to confer the necessary jurisdiction to hear the appeal.

The judgment at or following upon the trial where the issues of fact are tried by a jury is, in my opinion, the "judgment, order, or decision" of the Judge, within the meaning of the section.

The language is certainly wide enough to cover both jury and non-jury trials without any straining, and its construction should, I think, be in the direction of liberality rather than the reverse, in order to avoid, as far as possible, unnecessary expense.

The application is granted. Costs in the cause.

CARTWRIGHT, MASTER.

OCTOBER 27TH, 1904.

CHAMBERS.

CRAMP STEEL CO v. CURRIE.

Parties—Company—Shareholders—Use of Corporate Name in Litigation.

Motion on behalf of plaintiffs, an incorporated company, to set aside the writ of summons issued in their name, on the ground that the company had not authorized the use of their name.

W. E. Middleton, for plaintiffs.

F. Arnoldi, K.C., for solicitors.

THE MASTER.—In this action the company are the sole plaintiffs. The writ issued 6th October, 1904, and was specially indorsed. The claim is to have certain proceed-