

UNION MACHINE CO. v. CANADIAN FLAX MILLS LIMITED—SUTHERLAND, J., IN CHAMBERS—MAY 15.

*Jury Notice—Application to Judge in Chambers to Strike out—Rule 398—Questions of Law and Complicated Facts—Delay in Going to Trial.*]—Application on behalf of the plaintiffs, under Rule 398, to strike out the jury notice served by the defendants. The learned Judge said that a perusal of the pleadings indicated a case in which not only various questions of law would arise, but in which very complicated questions of fact would have to be disposed of, with the possibility of a reference as to the accounts between the parties, in case the plaintiffs should be successful. It did not appear at all likely that any Judge would be disposed to try the case with a jury. While there had perhaps been some delay on the part of the plaintiffs in getting the action down to trial, it was now represented that the result of allowing the jury notice to stand would be that the case would not be heard until after vacation. The action was to be heard at St. Catharines, and the jury sittings there was over. The date originally fixed for the non-jury sittings for St. Catharines was the 17th May, 1916, but this had been changed to the 19th June, 1916. In all the circumstances, the jury notice should be struck out; costs in the cause. A. W. Langmuir, for the plaintiffs. H. D. Gamble, K.C., for the defendants.

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RE NEWCOMBE v. EVANS—SUTHERLAND, J., IN CHAMBERS—MAY 15.

*Surrogate Courts—Removal of Testamentary Cause into Supreme Court of Ontario—Refusal of Motion—Leave to Appeal—Rule 507.*]—Motion by the defendant, under Rule 507, for leave to appeal from the order of LATCHFORD, J., in Chambers, ante 221, refusing the defendant's application for the transfer of the action from the Surrogate Court of the County of Essex to the Supreme Court of Ontario. SUTHERLAND, J., said that the matters raised appeared to be so important and substantial that the leave asked should be granted. A. W. Langmuir, for the defendant. H. S. White, for the plaintiff.

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HARVEY v. CITY OF TORONTO—SUTHERLAND, J., IN CHAMBERS—MAY 15.

*Particulars—Statement of Claim—Wrongful Acts of Defendants.*]—Appeal by the plaintiff from an order of the Master in Chambers directing the plaintiff to deliver to the defendants particulars