

their share of rent and if within thirty days after the giving of such notice, or such further time as I or any Judge of this Court may hereafter, upon application, allow, the plaintiff executes and tenders, and upon payment of \$1,900, delivers to the defendant a conveyance and assignment as above stated, all intermediate conveyances to the plaintiff being duly registered, or if the defendant neglects or refuses to avail himself of the provisions of this paragraph, the action will be dismissed without costs.

2. If the action is not disposed of under the provisions of paragraph 1 it will be dismissed with costs.

3. Steps hereafter taken by either party to bring about a settlement in pursuance of paragraph 1 will, if unsuccessful, be without prejudice to the right of appeal and, in so far as I have power to provide, without prejudice to the status of either party upon an appeal.

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HON. MR. JUSTICE BRITTON IN CHRS.    APRIL 15TH, 1914.

ECKERSLEY v. FEDERAL LIFE ASSURANCE CO.

6 O. W. N. 242.

*Jury Notice—Action on Insurance Policy—Unsuitable Action for Trial by Jury—Notice Struck Out—Transfer to Non-Jury List—Con. Rule 398.*

BRITTON, J., struck out a jury notice upon the ground that the action was not of the character which should be tried by a jury.

Motion by defendant to strike out the jury notice served by the defendant.

J. Y. Murdock, for defendants, for the motion.

J. P. Crawford, for plaintiff.

HON. MR. JUSTICE BRITTON :—I have read the statement of claim, the statement of defence and the affidavits filed, and it appears to me that the action is one which ought to be tried without a jury. I direct that the issues shall be tried and the damages, if any, assessed without a jury. If the action has been entered for trial, the action will be transferred to the non-jury list. This direction is pursuant to Rule 398.

Costs of this motion will be costs in the cause.