

the defendant, and in the same category as himself, amounted to less than \$1000. On the other hand, the Assistant Secretary of the Company, who has all the records of the Company before him, states, that the plaintiff's fellow workmen, in the same class, were paid approximately the same as the plaintiff, and at a rate averaging considerably in excess of \$1,000 a year.

The plea on its face is serious and I feel myself compelled to refuse the plaintiff relief under the section of the statute, when I have very grave and serious doubts whether the statute itself can be applied in this particular case.

I follow, with approval, the judgments rendered in the following cases:—*Manchuck v. Canadian Consolidated Rubber Co.* (1); *Picolas v. The Lachine Mfg. Co.* (2); *Sayed v. The Canadian Tube & Iron Co.* (3); *Schunck v. Galibert*, (4); *Yukerviez v. The Grand Trunk Ry. Co.* (5).

As a general rule a person or company is not condemned to pay money except in part or complete extinguishment of an obligation to pay. Of course, this is subject to exceptions. In this case, having such serious doubts that the plaintiff will ever succeed in the relief under this Act.

I am compelled to dismiss his petition.

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- (1) [1917] 18 Q. P. R., p. 311. (3) [1917] 19 Q. P. R. p. 1.  
(2) [1916] 19 Q. P. R. p. 102. (4) [1917] 19 Q. P. R. p. 130.  
(5) [1917] 19 Q. P. R. p. 151.