

Full Court.]

BOHAN v. GALBRAITH.

[June 5.

Vendor and purchaser.

The decision of a Divisional Court, 13 O.L.R. 301, affirmed.

Moss, C.J.O.]

WADE v. ELLIOTT.

[June 27.

Court of Appeal—Leave to appeal direct from judgment at trial—Jurisdiction—Amount in controversy.

At the time of the commencement of an action to declare void two mortgages given to secure the same debt, the amount of the debt exceeded \$1,000. Upon an application by the plaintiff for leave to appeal direct to the Court of Appeal from the judgment pronounced at the trial, it was contended by the defendant that pending the litigation moneys had been realized by him which reduced the claim below \$1,000, but this was disputed by the plaintiff.

Held, that the proper conclusion was that the matter in controversy in the appeal exceeded the sum or value of \$1,000 exclusive of costs, and therefore there was jurisdiction under 4 Edw. VII. c. 11, s. 76a(O.) to make the order asked for.

A. C. McMaster, for plaintiff. F. M. Field, for defendant Elliott.

Full Court.]

GEORGE v. GLEEN.

[June 28.

Judgment on default of appearance.

On an appeal by the defendant the judgment of the Divisional Court, reported 13 O.L.R. 189, was affirmed, MEREDITH, J.A., dissenting.

HIGH COURT OF JUSTICE.

Meredith, C.J.C.P., Magee, J., Clute, J.]

[April 9.

ANDERSON v. ROSS.

Covenant—Restraint of trade—Termination of partnership—Covenant not to engage or be interested in competing business—Carrying on business as manager for another.

The plaintiff and defendant were partners in a jewelry busi-