

could be viewed as historical or as in part a rehearsal of the address of the plaintiff's counsel in opening the case to the jury. But paragraph 8 was in violation of the decisions in *Cole v. Canadian Pacific R.W. Co.*, 19 P.R. 104; *Gloster v. Toronto Electric Light Co.*, 4 O.W.R. 532; *Prince v. Toronto R.W. Co.*, 5 O.W.R. 88; *Stone v. Stone*, 11 O.W.R. 801, 936, and cases there cited. There is always the objection to allowing irrelevant facts to remain on the record, that they would be matters for full discovery, as pointed out in *Canavan v. Harris*, 8 O.W.R. 325. Order made striking out paragraph 8. Costs in the cause. G. C. Thomson, for the defendant. W. M. McClemon, for the plaintiff.

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MACDONELL v. TEMISKAMING AND NORTHERN ONTARIO RAILWAY COMMISSION—BRITTON, J., IN CHAMBERS—JAN. 27.

*Appeal—Leave to Appeal to Divisional Court from Order of Judge in Chambers—Con. Rule 777.*]—Motion by the defendants under Con. Rule 777 (1278) for leave to appeal to a Divisional Court from the order of MIDDLETON, J., in Chambers, ante 523. BRITTON, J., said that the proposed appeal involved matters of great importance upon questions of pleading and evidence; and, in his opinion, came within the Rule. Leave to appeal granted; costs in the cause, unless otherwise ordered by the Divisional Court. W. N. Tilley, for the defendants. A. M. Stewart, for the plaintiff.

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NIPISSING COCA-COLA BOTTLING WORKS LIMITED v. WISSE—SUTHERLAND J.—JAN. 28.

*Interim Injunction—Motion to Continue—Failure to Serve Writ of Summons—Practice—Restraining Sheriff from Selling under Execution—Interpleader Issue.*]—Motion by the plaintiffs to continue an interim injunction granted on the 5th January, 1910. The defendant was served with notice of motion to continue the injunction, but not with a copy of the writ of summons, which was issued on the 4th January, 1911. The plaintiffs admitted that the writ had not been served. Held, upon the defendant's objection, that, while the usual practice is to serve the writ with the notice of motion to continue the injunction, and that is the proper course to follow, it is not clear that it is obligatory upon the plaintiffs to follow that course.—The injunction order