

FEBRUARY 11TH, 1909.

DIVISIONAL COURT.

BROWNRIDGE v. SHARPE.

County Court—Jurisdiction—Amount Involved—Ascertainment as being Due—New Trial—Transfer of Action to High Court.

Appeal by defendant from judgment of County Court of Peel in favour of plaintiff.

T. J. Blain, Brampton, for defendant.

W. H. McFadden, K.C., for plaintiff.

THE COURT (MULOCK, C.J., ANGLIN, J., CLUTE, J.), ordered a new trial, and expressed the opinion approving and following the decision of Boyd, C., in *Amyot v. Sugarman*, ante 429, that the amount involved was beyond the jurisdiction of the County Court. By consent of counsel, the Court ordered that the action should be transferred to the High Court, with the pleadings as they stand. The defendant, if so advised, to be at liberty to serve a jury notice within 4 days. No costs of former trial or of this appeal.

RIDDELL, J.

FEBRUARY 12TH, 1909.

WEEKLY COURT.

RE READ.

Will—Construction—Devise — Devisee not Excluded from Share of Residue—Devise not a Legacy.

Application by the executors of Aaron Read, deceased, for a further direction as to a question arising upon the will. The judgment of RIDDELL, J., upon the original application is reported in 12 O. W. R. 1009.

H. W. Mickle, for the executors.