LENNOX, J. OCTOBER 25TH, 1918.

MAYFAIR INVESTMENTS LIMITED v. SOMERS.

Notice of Trial—Regularity—Rules 173 (1), 248—Computation of Period of 10 Days—Practice.

Appeal by the defendant from an order of the Master in Chambers dismissing the defendant's motion to set aside a notice of trial served by the plaintiffs on the 18th October for trial of the action at the Kitchener sittings commencing on the 28th October.

A. J. Russell Snow, K.C., for the defendants.
F. C. Carter, for the plaintiffs.

LENNOX, J., in a written judgment, referred to Rules 173 (1) and 248 and to Morell v. Wilmott (1870), 20 U.C.C.P. 378; and said that under the Rules as they now stand the first day is clearly excluded, and just as clearly the last day is included.

Appeal dismissed with costs.

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*BAILEY COBALT MINES LIMITED v. BENSON.

Company—Winding-up—Claim upon Assets by Assignee of Chose in Action—Judgment Held by Company against Assignor of Claimant—Evidence—Set-off—Equity—Dividend.

Appeal by the Profit Sharing Construction Company, claimants, from an interim report of the Master in Ordinary.

The appeal was heard in the Weekly Court, Toronto.
R. S. Robertson, for the appellants.
W. Laidlaw, K.C., for the plaintiffs and the liquidator, respondents.

MASTEN, J., in a written judgment, said that the appeal was from the determination of the Master that the appellants should not be permitted to receive any distributive share of the fund arising from the assets of the plaintiff company in liquidation,