

plaintiff. MIDDLETON, J., said that he was unable to find anything which indicated that the bank, or its officers, the trustees, the defendants Turnbull and Wilson, ever assumed any greater obligation than to hand over to the purchaser the securities held by the bank, and to assist, as far as they legally could, in the perfecting of the title of the plaintiff to the assets, under any powers they might have by virtue of the debenture mortgage. Action dismissed with costs. Glyn Osler, for the plaintiff. W. Lees, K.C., and W. N. Tilley, for the defendant the Bank of Hamilton. E. D. Armour, K.C., for the defendants Turnbull and Wilson. J. Haverson, K.C., for the defendant Ryan.

NAIMAN v. WRIGHT—BRITTON, J., IN CHAMBERS—JAN. 28.

Summary Judgment—Application for—Evidence—Defence—Unconditional Leave to Defend.]—Appeal by the defendants from an order of the Master in Chambers, upon a summary application, allowing the plaintiff to sign judgment for the amount of his claim. BRITTON, J., said that a careful reading of the depositions of some of the parties and of other papers filed satisfied him that this was not a case, either upon the law or facts, for summary judgment. Appeal allowed. Action to go to trial. Costs in the cause. J. J. Gray, for the defendants. G. M. Willoughby, for the plaintiff.

VILLAGE OF MORRISBURG v. SHARKEY—FALCONBRIDGE, C.J.K.B.—
JAN. 28.

Contract—Agreement or Lease—Water Power—Breach of Covenants—Forfeiture—Possession—Counterclaim—Rent—Former Action—Damages—Reference—Amendment—Costs.]—Action for a declaration that the defendants have broken the covenants in a lease or agreement and have forfeited their rights thereunder, and for consequent relief. The learned Chief Justice finds (1) that the defendant Sharkey and his assigns have neglected to furnish the security required under the agreement; (2) that the defendant Sharkey was not entitled to assign or sublet the power plant and Government lease of water power, with the premises etc., to the Rapids Power Company Limited; and that, by reason of his assignment to that company,