

"No municipality ever had authority to grant a bonus in aid of an industry to be established outside its own limits, and the Legislature never meant to enact anything so absurd as to forbid them to do so."

In this view I do not need to consider any of the other formidable objections to this by-law—it must be quashed with costs.

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HON. R. M. MEREDITH, C.J.C.P. IN CHRS. FEB. 18TH 1914.

MURPHY v. LAMPHIER.

5 O. W. N. 924.

*Trial Jury—Motion for—Surrogate Action—Enlargement of Motion—Determination by Trial Judge.*

MEREDITH, C.J.C.P., enlarged a motion for an order for a trial by jury in an action transferred from a Surrogate Court to the Supreme Court of Ontario to be disposed of by the trial Judge.

Motion by defendants for an order for a trial by jury in an action transferred from a Surrogate Court to the Supreme Court of Ontario.

A. Ogden, for defendants.

J. G. O'Donoghue, for executors.

HON. R. M. MEREDITH, C.J.C.P.:—The defendants now ask for a trial by jury. They are not entitled to that; it is a matter in the discretion of the Court, and the onus is upon those who seek it to shew that it would be the better mode of trial.

There is not sufficient evidence before me now upon which the question can be best determined; the trial Judge will be in a better position to deal with it, and I can perceive no good reason for saying that anyone will be prejudiced by the delay necessary in having it considered by him.

The parties failed to get down to trial as was expected, at the Toronto non-jury sittings last week; and there is no certainty when they could now get the case tried there; in addition to that it is not a York, but is a Peel case.

The provision of the order made on transferring the case into this Court, that the case should be tried at the York Assizes, is an error.