"After the right to a jury trial has been forfeited by the expiry of thirty days after a foreclosure, the consent to the filing of a pleading does not constitute a waiver of such forfeiture."

V. Mathieu, J., 1904. *Vincent* vs *Compagnie de chemin de fer Urbain de Montréal*, 6 *R. P.*, 289; *Davidson, J.* 1905, *Asselin* vs *Montreal Light Heat & Power Co.*, 7 *R. P.*, 218: "When after making the option for a jury trial in his declaration the plaintiff allows more than 30 days to elapse from the date on which he should have filed his answer to plea, without proceeding to bring on the trial, he is deprived of his right to a jury trial, and subsequent production of an answer, whether by consent or otherwise, has not the effect of reviving the lapsed right to a jury trial."

Davidson, J., 1907. *La Banque Nationale* vs *Atlantic & Lake Superior Ry. Co.*, 8 *R. P.*, 309. "Option for trial by jury by special application must be made within three days after issue joined; the subsequent acquiescence or the filing of necessary pleadings does not re-open the right to ask for a jury trial."

B. R., 1908, *Anderson* vs *The Norwich Union Fire Insurance Society et al.*, 1 *n. R. L. n. s.* 281. "Le procès par jury est un droit exceptionnel qui doit être strictement demandé dans les trois jours qui suivent la contestation liée." V. mes notes au rapport.

The appellants cited the following decisions to the effect that the right to a jury trial once lost cannot be revived by any subsequent permission or consent to file a plea.

Copeland vs *C. P. Railway*, 4 *Q. P. R., p.* 163; *Goulet* vs *Landry, C. Rev.* 15 *S. C., p.* 569; *Canada Industrial Co.* vs *Kensington Land Company*, 8 *R. de J., p.* 187; *Foley* vs *Foley*, 3 *Q. P. R., p.* 53; *Leclair* vs *Montreal Street Railway*, 7 *Q. P. R., p.* 453; *Asselin* vs *Montreal Light Heat & Power Company*, 7 *Q. P. R., p.* 218; *Montreal Light Heat & Power Company* vs *Dupras*, 10 *Q. P. R., p.* 114, *in appeal; Matthews* vs *Town of Westmount*, 6 *Q. P. R., p.* 52; *Vincent* vs *Montreal Street Railway Company*, 6 *Q. P. R., p.* 289; *Deniger* vs *Grand Trunk Railway*, 5 *Q. P. R., p.* 136; *Feruoli* vs *Dominion Coal Company, Davidson, J.* 1907, *unreported; Bruneau* vs *Montreal Street Railway, Mathieu, J., November 29th* 1907, *unreported.*