

WARREN GZOWSKI & Co. v. PETERSON LAKE SILVER COBALT MINING Co.—FALCONBRIDGE, C.J.K.B., IN CHAMBERS—NOV. 23.

Company—Shares—Transfer—Mandamus.] — Motion by the plaintiffs for a mandamus to the defendants to record in their books the transfer of 3,000 shares of their capital stock to the plaintiffs. The Chief Justice held that, in view of the apparently bona fide contention that the shares in question were not fully paid up, being the subject of an action which might be very soon disposed of, and of the fact that the plaintiffs had abundant notice of such contention, he ought not at present to interfere, either by granting a mandamus in this action or by prerogative writ of mandamus. Motion refused; costs in the cause to the defendants. F. Arnoldi, K. C., for the plaintiffs. R. S. Robertson, for the defendants.

KELLY v. GRAND TRUNK R. W. Co.—DIVISIONAL COURT—
Nov. 23.

Railway—Farm Crossing—Cross-appeal—Costs.] — Judgment dismissing the defendants' appeal from the judgment of CLUTE, J., 13 O. W. R. 781, was given by a Divisional Court (MEREDITH, C.J.C.P., MACMAHON and TEETZEL, JJ.), on the 22nd September, 1909: ante 24. The plaintiff's cross-appeal was dismissed at the argument, the question of the costs of it being reserved. The Court now directed that the cross-appeal should be dismissed with costs, fixed at \$20. Grayson Smith, for the plaintiff. D. L. McCarthy, K.C., for the defendants.

ROETTER v. CANADIAN BANK OF COMMERCE—MASTER IN
CHAMBERS—NOV. 24.

Gift—Deposit in Bank — Survivorship—Interpleader.]—The plaintiff sued the defendants for moneys deposited with them by her father, now deceased, originally to the credit of himself and wife jointly, but, upon the death of the wife, transferred to the joint credit of himself and the plaintiff, his daughter. She claimed as survivor. The moneys were also claimed by C. S., the plaintiff's brother, as executor of the father's will, on the ground that the moneys formed part of the estate of the father.