

to him that the architect was wrong in his contention, and that the persons alone answerable for the neglect to get his approval regarding the doors were the contractors, and although he entertained the strongest suspicions that the architect's contention was acceded to mainly to retrieve the right of lien which these plaintiffs had lost by neglecting to register a lien earlier, yet there was the concurrence of contractors, sub-contractors, and owners, through the architect, in treating the sub-contract as incomplete and in having it completed early in January—a course which other creditors of the contractors could not prevent and could not successfully contend was not binding upon them.

Not without some hesitation, the Chief Justice was of opinion that these plaintiffs were entitled to enforce their lien, and that their appeal should be allowed with costs.

LENNOX, J., read a judgment (in which MASTEN, J., concurred) to the same effect, as regards both appeals, giving a review of the cases applicable to each.

RIDDELL, J., agreed in the result.

*Appeal dismissed; cross-appeal allowed.*

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SECOND DIVISIONAL COURT.

MAY 23RD, 1916.

REX v. BAUGH.

*Criminal Law—Application for Removal of Indictment from Sessions to Assizes—Postponement of Trial—Effect of.*

Appeal by the defendant from the order of SUTHERLAND, J., ante 261.

The appeal was heard by MEREDITH, C.J.C.P., MAGEE, J.A., RIDDELL, LENNOX, and MASTEN, JJ.

J. M. Godfrey, for the defendant.

Edward Bayly, K.C., for the Attorney-General.

THE COURT dismissed the appeal.