

1911

*May 2, 3.

*May 8.

KEISER v. KALMET.

ON APPEAL FROM THE SUPREME COURT OF ALBERTA.

Appeal—Practice—Findings by trial judge.

APPEAL from the judgment of the Supreme Court of Alberta (1), affirming the judgment of Harvey J., at the trial, maintaining the plaintiff's action with costs, Beck J. dissenting.

The Supreme Court of Canada, after hearing counsel on behalf of both parties, reserved judgment, and, on a subsequent day, it was ordered that a new trial should be had, all costs up to date to abide the result.

New trial ordered.

Walsh K.C. for the appellant.

T. Lewis K.C. for the respondent.

*PRESENT:—Sir Charles Fitzpatrick C.J. and Davies, Idington, Duff and Anglin JJ.