that by reason of the unity of interest created by the co-ownership of defendants, notice to one was notice to the other.

Held, that neither the urgency of the occasion nor the unity of interest of defendants dispensed with the necessity of serving T. with notice of the proceeding, and that the order for inspection, so far as T. was concerned, must be set aside.

Drysdale, Q.C., for motion.

W. Macdonald, contra.

WEATHERBE, J. In Chambers. [Nov. 19, 1895.

RE MOOSELAND GOLD MINING COMPANY.

Winding-up Act—Actions pending against company—General stay of proceedings.

The liquidator of a company wound up under provisions of the Winding-up Act, c. 80, R.S.N.S., applied for a general stay of proceedings pending the adjustment of the company's affairs. On behalf of creditors of the company, some with and others without judgments, it was urged that the application for stay ought to have been made in the several actions, and that the Court or a Judge had no power to grant a general stay; and further, that s. 12, s-s. 5, of the J. A., which says "no cause or proceeding at any time pending in said Supreme Court shall be restrained by prohibition or injunction," over-ruled the provisions of s. 50, c. 80. But it was

Held, that notwithstanding s. 12, s-s. 5, J. A., the Court or a Judge had power to grant a general stay under said s. 50, and a general stay was accordingly granted. Whether c. 88 was not insolvency legislation, *quære.*

Mathers for liquidator.

Kenny and *Barnhill* for creditors.

WEATHERBE, J. In Chambers. [Nov. 26, 1895.

DANIELS *v.* FOSTER.

Lunatic—Judgment in default of appearance—Motion to open up.

No appearance having been entered by defendant, a lunatic living with his son, judgment was obtained by default. Upon application to open up the judgment and admit defence, it was shown that defendant had been long affected with "senile lunacy," and had been confined in insane hospitals. There was, however, no distinct proof that at the period of service of writ and entry of judgment defendant was of unsound mind, nor yet of want of notice of the action on the part of those with whom he lived. Nor did the affidavits disclose merits beyond a general statement that there was a good defence to the action.

Held, that no sufficient ground for disturbing the judgment had been shewn, and that defendant's application must be dismissed, without prejudice, however, to his moving again upon more sufficient grounds.

W. Macdonald for defendant.

W. B. A. Ritchie, Q.C., for plaintiff.