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*Practice.*

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Q.B. Div'l Court.]

[Feb. .

MASTIN *v.* MASTIN.*Lunatic—Action by—Next friend—Married woman—Inspector of prisons, and public charities—Parties.*

An action was brought in the name of the plaintiff, a lunatic not so found, confined in a public asylum, by his wife, as next friend, to set aside a conveyance of land made by him as improvident, etc.

*Held*, that the action, being for the protection of the lunatic's property, not for the disposal of it, was properly brought by a next friend; and although a married woman cannot fill the office of next friend, the fact that in this case she did so did not make her proceedings void; and the defendant's only remedy was to apply to remove her and to stay proceedings until a proper next friend should be appointed.

*Held*, also, that the objection that the action should have been brought by the inspector of prisons and public charities could not prevail, for it was discretionary with him to institute proceedings or not.

*J. M. Clark* for the plaintiff.

*McGregor* for the defendant.

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[Feb 16.

SOUTHWICK *v.* HARE.*Security for costs—Action against justice of the peace—53 Vict., c. 23—Merits.*

In an action against a justice of the peace for false arrest and imprisonment, it appeared that there was a valid warrant of commitment against the plaintiff in the county of O., which was endorsed by the defendant for execution in the city of T., and under which the plaintiff was there arrested.

The plaintiff alleged that the arrest was illegal because the defendant's mandate was not actually endorsed upon the warrant, and because the defendant's authority was not shown on the face of his mandate. It appeared, however, that the defendant's mandate was pasted or annexed to the warrant, and that the defendant, in fact, had authority, though it was not set out. It was admitted that the plaintiff was not possessed of property sufficient to answer costs.

*Held*, that the defendant was entitled to security for costs under 53 Vict., c. 23.

*Per* ROBERTSON and MEREDITH, JJ., that it was not intended by the statute that the merits of the action should be determined upon an application for security for costs.

*Mackenzie*, Q.C., for the plaintiff.

*Gunther* for the defendant Miller.

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