

THE  
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TORONTO, APRIL 30, 1903.

No. 16.

FERGUSON, J.

APRIL 17TH, 1903.

CHAMBERS.

RE GIROUX.

*Security for Costs—Application for Custody of Infant—Applicant out of Jurisdiction—"Proceeding"—Affidavit on which Habeas Corpus Granted.*

Motion by William J. Giroux, father of Helen Mary Giroux, an infant, for an order setting aside on order for security for costs granted on præcipe under Rule 1199. An order for the issue of a writ of habeas corpus had been obtained ex parte, upon an affidavit which shewed that the applicant William J. Giroux lived in Chicago. Nothing appeared upon the order for the writ, nor on the writ itself, to shew that the applicant lived out of the jurisdiction.

A. E. Knox, for the father, contended that the affidavit was not the proceeding by which the matter was commenced, and that Rule 1199 did not apply.

J. E. Jones, for Nellie Marsden, the custodian of the infant, contended that it appears by Rule 318 and other Rules that an affidavit is a proceeding, and by the definition of "plaintiff" in sec. 2 of the Judicature Act, Rule 1199 applies to habeas corpus proceedings.

FERGUSON, J., dismissed the motion and confirmed the order made on præcipe.

CARTWRIGHT, MASTER.

APRIL 21ST, 1903.

CHAMBERS.

RATHBUN CO. v. STANDARD CHEMICAL CO.

*Pleading—Particulars of Statement of Claim—Facts within Knowledge of Defendants—Evidence in Previous Arbitration.*

Motion by defendants for particulars of statement of claim.

J. Bicknell, K.C., for defendants.

E. D. Armour, K.C., for plaintiffs.