

HILL v. LAMBTON GOLF AND COUNTRY CLUB—FALCONBRIDGE,
C.J.K.B., IN CHAMBERS—APRIL 19.

Vexatious Proceedings—Motion to Dismiss Action as Frivolous and Vexatious—Judgment in Previous Action Barring Rights of Plaintiff—Dismissal of Action with Costs.]—Motion by the defendants to dismiss the action as frivolous and vexatious. The action was brought in November, 1917, in the name of Evelyn Hill, an infant, by Marion Hill, the infant's mother and next friend, to recover part of a block of land sold to the defendants. FALCONBRIDGE, C.J.K.B., in a written judgment, said that he might have disposed of the motion on the short ground that there was a judgment of a Divisional Court expressly barring the rights of the infant plaintiff in the lands conveyed to the defendants; and, while that judgment remained unreversed, this action could not be maintained. But statements were made by counsel reflecting on the conduct of solicitors in regard to the alleged unauthorised alteration of the judgment referred to; and the learned Chief Justice therefore stated the history of the case, as he found it in the records of the Court. In his opinion, the action was not merely frivolous and vexatious, but immoral and unconscionable. Order dismissing the action with costs. G. M. Clark, for the defendants. A. C. McMaster, for the plaintiff.

CORRECTION.

IN RE BOLTON, ante 87, John G. Barber should have been included among the persons entitled to a share in the "balance" referred to in para. 9 of the will in question.