

Moss, C.J.O., Osler, Garrow, Maclaren, JJ.A.

From Britton J.]

MAJOR v. MCGREGOR.

[Oct. 16.

*Defamation—Libel—Words of abuse—Innuendo.*

Decision of BRITTON, J., reported ante p. 77, and 5 O.L.R. 81, affirmed.  
Shepley, K.C., for appellant. MacLennan, K.C., for respondent.

From Falconbridge, C.J.K.B.]

[Oct. 16.

IN RE TOBIQUE GYPSUM.

COSTIGAN v. LANGLEY.

*Winding-up Act—Staying proceedings in another province—Setting aside sale—Summary proceedings—R.S.C., c. 129, s. 13.*

There is jurisdiction under s. 13 of the Dominion Winding-up Act, R.S.C., c. 129, to restrain proceedings in any action, suit or proceeding against the company, even in actions, or suits, beyond the ordinary territorial jurisdiction of the Court; and the enforcing of an execution is a proceeding within this section and therefore there was jurisdiction for the Court in this province to make an order staying proceedings under an execution in the hands of the sheriff of the County of Victoria, in the Province of New Brunswick, as had been done in this case. But the said sheriff having notwithstanding proceeded with the sale under the execution against lands of the company, and executed a deed of the same to the purchaser,

*Held*, that there was no jurisdiction in the court under the Winding-up Act to make an order summarily declaring the sale void, such a case not coming within the classes of cases, which under the Act may be dealt with in a summary manner by a judge in the winding-up proceedings.

Armour, K.C., for appellant. Foy, K.C., for respondent.

## HIGH COURT OF JUSTICE.

Master in Chambers.]

[Aug. 28.

STATE SAVINGS BANK v. COLUMBUS IRON WORKS.

*Writ of summons—Address of defendant—Foreign defendant.*

The address of the defendant is a necessary part of the writ of summons and in a proper case the writ may be amended by inserting it. But where the address of a foreign defendant was omitted, no explanation of the omission being given, and no cause of action in Ontario against the foreign defendant being shewn, the writ was on his application set aside with costs.

C. A. Mess, for defendant. W. B. Raymond, for plaintiffs.