

CHANCERY CHAMBERS.

CLARISS V. ELLIS.

Order 113.—Decree nisi—Effect of proceeding under.

[The REFERENCE—October 1, 1873.]

Proceedings under a decree which is not absolute, are invalid.

The purchaser at a sale under such a decree was refused a vesting order, though offering to waive all objections to the proceedings, it being considered that it was only the defendants who could waive such an objection.

CAMERON V. EAGER.

Abatement by bankruptcy of a plaintiff—Costs.

[The REFERENCE—October 2d, 1873.]

The bankruptcy of a sole plaintiff causes an abatement of the suit.

A motion by a defendant to dismiss after such abatement and before revivor was refused; his proper course being to call upon the assignee of the plaintiff in insolvency to revive within a limited time.

The plaintiff, the insolvent, was awarded his costs of the application to dismiss.

ABEL V. HILTS.

Motion for production or committal upon default—Notice required.

[The REFERENCE—October 21, 1873.]

A motion for production, with the alternative that the party be committed in default, being substantially a motion to commit, requires four clear days' notice.

DE BLAQUIERE V. ARMSTRONG.

ARMSTRONG V. DEEDES.

Consolidation of suits, effect of—Motion for leave to appeal.

[The REFERENCE—October 25, 1873.]

By a decree made in *De Blaquiere v. Armstrong* it was ordered that that suit be consolidated with a suit of *Armstrong v. Deedes*. One of the parties had a different solicitor in each suit. Held, that subsequent proceedings must be carried on in the suit in which the decree was made, and that the solicitor in that suit was the proper solicitor to be served with notice of further proceedings, and not the solicitor in the suit of *Armstrong v. Deedes*; the consolidation being held to constitute a stay of proceedings in that suit.

On a motion for leave to appeal after the lapse of the time limited for that purpose, reasonable and probable grounds must be shewn by the affidavits. It is not sufficient merely to state the grounds of the proposed appeal in the notice of motion.

HAMELYN V. WHITE.

Vacating order pro-confesso—Defences which may be raised in an answer filed—Ex gratia.

[The REFERENCE—Oct. 10; STRONG, V. C., Oct. 27, 1873.]

An order *pro confesso* was vacated and a defendant allowed to file an answer notwithstanding great and unexplained delay, no sittings of the Court having been lost thereby.

THE REFERENCE refused to allow the defendant to set up a defence amounting to a plea to the jurisdiction as not being a meritorious defence, according to the practice at law, (see *Lush Pr.* 447.) But on appeal STRONG V. C., reversed this part of the order of the Referee, and allowed the defence to be set up.

REVIEWS.

THE CANADIAN MONTHLY AND NATIONAL REVIEW. Adam, Stevenson & Co., Toronto.

The Publishers, in their announcement for 1874, very naturally congratulate themselves on the success they have achieved so far. This monthly is undoubtedly highly favoured by being under the editorial management of one of the greatest masters of the English language, who himself contributes largely to its pages. It is stated that the periodical criticism upon national affairs, under the caption of "Current Events," will continue, and that the same impartiality of discussion will be adhered to in the treatment of all questions under review. We trust this may be so, and that there will be an avoidance of anything like siding with any political party, and this we believe the writer earnestly desires. We are told, however, that the atmosphere is at present highly charged with an unsavoury smell, said to have the flavour of political rancour, and that there is a fear that it may penetrate even to the judicial mind of this most able critic. However, having no nose for such matters, and not being able to see the length of that organ, except in things appertaining to the law and its administration, we cannot offer an opinion on the subject—we can, however, assert most positively, that we wish the *Canadian Monthly* a continuance of that success which has so far attended it, and an ever increasing circulation in this Canada of ours.