

*Semble*, that the proper practice in such a case is to have the grounds set forth in the notice of motion, as was done in *Port Rowan and Lake Shore R. W. Co. v. South Norfolk R. W. Co.*, 13 P. R. 327; and if this method were adopted, an affidavit of belief might be dispensed with if it was proposed to establish the facts alleged out of the mouth of the plaintiff.

*Held*, per FALCONBRIDGE, C. J., that the finding of ROSE, J., that the plaintiff had a substantial interest, should be adopted, and such being the position the defendant had no right to prove the plaintiff's poverty out of his own mouth on this application.

Per STREET, J., dissenting, that the defendant was entitled to examine the plaintiff for the purpose of shewing that he was a mere nominal plaintiff suing for the benefit of another, as well as for the purpose of shewing his insolvency; and the defendant could not be required to establish each particular proposition involved in his motion, in its logical order, before proceeding with the next.

Leave was given to the defendant to proceed in proper form with his application for security.

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Rose, J.]

GRAVES v. GORRIE.

[Nov. 6.]

*Copyright—Works of fine art—Imperial Act—The Colonies—Imp. 25 & 26 Vict., c. 68.*

The Imperial Act, 25 & 26 Vict., c. 68, being an Act for amending the Law relating to Copyright in Works of Fine Art, and for repressing the commission of fraud in the production and sale of such works does not extend to the Colonies, but the copyright therein and thereby conferred is confined to the United Kingdom.

*J. T. Small*, for plaintiffs. *J. H. Denton*, for defendants.

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Boyd, C.]

STURGEON FALLS ELECTRIC LIGHT AND POWER CO. v. TOWN OF STURGEON FALLS.

[Nov. 6.]

*Costs—Taxation—Affidavits—Irregular filing.*

The costs of affidavits for use on a motion in the Weekly Court filed with the Clerk in Chambers, instead of in the Registrar's Office, as required by rule 102, should nevertheless be taxed, if otherwise taxable, where such affidavits have been before the Court on the motion and are recited in the order made thereon.

*A. M. Stewart*, for plaintiff. *H. E. Rose*, for defendants.