

NOTICE OF MOTION.

1. *Practice—Motion before Full Court.*—A notice of motion to the Full Court to set aside the verdict of a single Judge stated that the plaintiff "has this day set down his cause for re-hearing," &c.

Held, a sufficient notice. *Miller v. Morton* 1

2. *Notice of motion — Reading affidavit filed prior to notice.*—A notice of motion stated that certain affidavits would be read, but did not state the date of the filing. One affidavit was filed prior to the date of the notice of motion. The opposite party filed affidavits in reply and gave notice of filing.

Held, that the affidavit filed prior to the notice of motion might be read. *Fuller v. Starkey* . . 400

ONTARIO COURTS.

Where decisions of English and Ontario Courts on similar statutes differ, the English decisions should be followed.

See MORTGAGE, 5.

ORDER IN COUNCIL.

Judicial notice will be taken of Orders in Council published with the Dominion statutes.

See EXTRADITION.

PARTIES.

Pleading—Mortgage suit — Bill filed by survivor of three trustees, mortgagees—Demurrer — Want of parties.—On a bill for foreclosure filed by the survivor of three trustees, who were mortgagees, but

had no beneficial interest in the mortgage moneys,

Held, on demurrer, that the representatives of the deceased joint mortgagees were not necessary parties to the suit. *Landale v. McLaren* 322

PETITION.

Company—Winding up — Second petition—Costs.

See COMPANY, 2.

Real Property Act — Petition enforcing caveat—Married woman —Next friend—Appointment of—Dismissal of petition — Discretionary order—New petition—Leave to file—Right to file when dismissal not on merits.

See REAL PROPERTY ACT, 5.

Real Property Act—Petition—Staying proceedings until costs of former suit in Queen's Bench paid —Laches.

See REAL PROPERTY ACT, 6.

Real Property Act—Petition—Dismissal for want of prosecution—Rule 16 modifies Rule 13.

See REAL PROPERTY ACT, 7.

PERSONA DESIGNATA.

The Judge empowered by the Municipal Act to quash by-laws is persona designata, and only the Judge who issued the summons can hear the application on its return.

See MUNICIPALITY, 3.

PLAINTIFF IN ISSUE.

Who should be plaintiff in issues