

Meredith, C.J., Falconbridge, J.]

[April 4.

TANNER v. WEILAND.

*Security for costs—Appeal to Divisional Court—Rule 825.*

Rule 825, providing that no security for costs shall be required on a motion or appeal to a Divisional Court, does not preclude a defendant from obtaining an order for security for costs where the plaintiff has taken up his residence abroad after a judgment dismissing his action without costs, from which his appeal to a Divisional Court is pending. *Arnold v. Van Tuyl*, 30 O.R. 663, distinguished.

*Grayson Smith*, for plaintiff. *Haverson*, for defendant Christina W. Weiland.

Boyd, C., Robertson, J., Meredith, J.]

[April 6.

REGINA v. KEMPEL.

*Criminal law—Extortion—Accusation—Information—Criminal Code, ss. 405, 558.*

The word "accuses" in s. 405 of the Criminal Code, providing for the punishment of anyone who, with intent to extort or gain anything from any person, *accuses* that person or any other person of certain offences, includes the accusing of a person by laying an information under s. 558 of the Code.

*J. R. Cartwright*, Q.C., for the Crown. *David Robertson*, for the prisoner.

Meredith, C.J., Falconbridge, J.]

[April 10.

ALLISON v. BREEN.

*Limitation of actions—Judgment—Reviver—Time—Notice—Ex parte order—Application to set aside.*

Decisions of *STREET*, J., and the Master in Chambers, ante p. 165, refusing to set aside order reviving judgment, affirmed on appeal.

*Boice v. O'Leane*, 3 A.R. 167, as to the lifetime of a judgment, followed in preference to English decisions.

The practice of dealing with the question raised on an application to set aside an *ex parte* order as if the application were a substantive one for such order, approved.

*Tytler* and *C. J. McCabe*, for the appellant. *R. J. MacLennan*, for the plaintiff by revivor.

Armour, C.J., Street, J.]

[April 10.

BOTHWELL v. BURNSIDE.

*Criminal procedure—Court of General Sessions—Appeal—Costs—Criminal Code, ss. 880, (e), 897.*

On an appeal to the General Sessions of the Peace from a conviction of a Police Magistrate, the chairman gave judgment, signing the following