

## RE BEARD—MIDDLETON, J.—MAY 18.

*Lunatic—Sale of Lands—Confirmation—9 Edw. VII. ch. 37, sec. 16(a).*]—Motion by the committee to confirm a sale of the lunatic's lands. Held, that at the time the order was made for sale there was probably no power to direct a sale unless the provisions of the statute then in force were strictly complied with (see R. S. O. 1897 ch. 65, sec. 11); and this does not seem to have been brought to the attention of the Judge making the order. The Court has now much wider power; and an order may now be made under 9 Edw. VII. ch. 37, sec. 16 (a), authorising the sale of the lands in question and the signing by the committee of the necessary deed for the purpose of carrying out the contract already entered into. T. H. Bull, for the committee.

## RE COOTS—MIDDLETON, J.—MAY 18.

*Death—Presumption—Jurisdiction—Surrogate Court—Absentee—Money in Court—Payment out.*]—Motion for an order declaring that the death of John Coots should be presumed. Held, that the Surrogate Court alone has jurisdiction to determine whether John Coots is dead, and whether he died intestate, and, if so, to appoint an administrator. The administrator must give security (unless a trust company is appointed), and must assume the responsibility of paying the money to those beneficially entitled. John Coots may have left creditors, and their rights cannot be ignored. There is no presumption that he died without issue, and the presumption of death only arises when the person has not been heard from under circumstances which indicate that his silence can only be explained on the assumption of death. In the case of a roving illiterate with no home-ties, the presumption will not easily arise. That, however, is a question for the Surrogate Court. Upon production of letters of administration, an order may issue for payment out of Court to the administrator. See *In re Jackson*, [1907] 2 Ch. 354. W. W. Vickers, for the applicants. F. W. Harcourt, K.C., for the absentee.

## ONTARIO PIPE LINE Co. v. DOMINION POWER AND TRANSMISSION Co.—RIDDELL, J., IN CHAMBERS—MAY 18.

*Discovery—Examination of Officer of Defendant Companies—Questions—Relevancy—Duty of Officer to Procure Information.*]—The plaintiffs had gas pipes and mains and supplied natural