

PROBATE—AMENDMENT—MISNOMER OF EXECUTOR.

In the goods of Honeywood, (1895) P. 341, an application was made to amend the letters probate. The grant had been made in favor "Frederick Marsden," the executor named in the will, but it appeared that his true name was "Frederick John Marsden." The probate was accordingly amended so that the grant should read in favor of "Frederick John Marsden, called in the will Frederick Marsden."

SUIT IN FORMA PAUPERIS—COSTS TO SUCCESSFUL PAUPER, HOW AWARDED.

Richardson v. Richardson, (1895) P. 346; 11 R., Nov. 19, was a matrimonial cause in which the plaintiff sued in *forma pauperis*, in which the question arose on what principle costs should be taxed to the successful plaintiff. Following *Carson v. Pickersgill*, 14 Q.B.D. 859, Jeune, P.P.D., held that the plaintiff could only tax his solicitor's expenses out of pocket, and a reasonable sum for office expenses. We may observe that the Ontario Rules are entirely silent on the subject of suing or defending in *forma pauperis*.

INTERLOCUTORY MANDATORY INJUNCTION—DEFENDANT EVADING SERVICE OF WRIT
--NOTICE OF INTENTION TO APPLY FOR INJUNCTION.

Von Joel v. Hornsey, (1895) 2 Ch. 774, was an action to restrain the defendant from erecting a building so as to interfere with the plaintiff's ancient lights. The defendant was warned by the plaintiff that if the building were continued the plaintiff would sue to restrain him, but the defendant persisted and after action was brought he evaded service of the writ for several days, and in the meantime continued building until substituted service was effected on him. On the motion for an interim injunction, Kekewich, J., not only restrained further building, but also ordered the defendant to pull down so much of the building as had been erected after the plaintiff had warned the defendant that he intended to bring an action, and his order was affirmed by the Court of Appeal (Lindley, Lopes and Rigby, L.JJ.), following the principle adopted in *Daniel v. Ferguson*, (1891) 2 Ch. 27.