

Prac. Cases.]

NOTES OF CANADIAN CASES.

[Prac. Cases-

Osler, J.]

[March 10.]

RE BURDETT (A SOLICITOR).

Taxation—Bill of costs—Division Court.

A solicitor sued his client in the Division Court for the amount of a bill of costs, and judgment was reserved.

Held, that a taxation was properly ordered by the Master in Chambers, pending the delivery of the judgment.

Shepley, for defendant.

Aylesworth, for the plaintiff.

Boyd, C.]

[March 12.]

BANK BRITISH NORTH AMERICA V. EDDY.

Jury notice.

The cause of action was one of a purely common law character, and the pleadings presented issues of a merely equitable character.

An order of a local Master striking out a jury notice was reversed on appeal.

W. Fitzgerald, for the plaintiff.

H. Cassels, for the defendant.

Osler, J.]

[March 13.]

AGNEW V. PLUNKETT.

Costs—Solicitor's letters to his agent.

The solicitors for both parties resided in Meaford, County of Grey.

Held, that necessary and proper letters in the action, written by the defendant's solicitor to his agent in the Town of Owen Sound (the county town of the County of Grey), should be allowed.

Holman, for the defendant.

Hagarty, C. J. }
Mr. Winchester. }

March 13.

MCDONALD V. MURRAY.

Appeal—Stay of proceedings—New trial.

In this case the plaintiff was allowed to proceed with a new trial pending the defendant's appeal to the Court of Appeal, on the ground that he would be considerably inconvenienced by a delay of proceedings, and that an important witness was on his way from Winnipeg to give evidence at the trial.

Application for stay of proceedings refused.

J. K. Kerr, Q.C., and *Holman*, for plaintiff.

Ogden, contra, for the motion.

Boyd, C.]

[March 13.]

LAMBIER V. LAMBIER.

Administration—Partition—Consolidation of conflicting applications—Jurisdiction of Local Masters—G. O. Chy. 638-640—Rule 395 O. J. A.

A motion to a Judge in Chambers, under Rule 395 O. J. A., to consolidate conflicting applications for administration or partition, under G. O. Chy. 638-640, is improper, as that rule is not intended to apply to these summary applications.

The Local Masters are the proper officers to deal with such motions.

See *Re Dragon*, 8 P. R. 330.

Plumb, for the motion.

Bull, contra.

Mr. Winchester.]

[April 10.]

KITCHING V. HICKS ET AL.

Adding parties as defendants—Rule 103 O. J. A.

The plaintiff claimed a lien on certain goods and chattels of the defendant Hicks under an unregistered agreement in the nature of a chattel mortgage.

The defendant Clarkson took possession of the goods, as assignee of the defendant Hicks, for the benefit of his creditors.

Held, on motion to add Clarkson and the execution creditors as parties, defendants, in the action; that they had a substantial interest in the subject matter of the action, and should be added as parties, defendants, under Rule 103 O. J. A.

Akers, for the motion.

Hoyles, contra.

Hagarty, C.J.]

[April 10.]

SMITH V. SMITH.

Absconding debtor—Residence.

The husband of the plaintiff separated from her in 1878, and went to reside in the United States. Prior to his death in November last, in the State of Michigan, he sold a farm in Dakota. The defendant, a brother of the deceased, residing in Dakota for the last four or