

RE EMMONS v. DYMOND—LENNOX, J., IN CHAMBERS—JUNE 5.

*Appeal—Leave to Appeal to Appellate Division from Order of Judge in Chambers—Refusal of Leave—Con. Rule 1278.*]—Motion by the defendant for leave to appeal to the Appellate Division from the order of BRITTON, J., ante 1363, refusing to transfer this action from a County Court to the Supreme Court of Ontario. LENNOX, J., was not able to say that there was “good reason to doubt the correctness of the judgment” of BRITTON, J.; and it would be necessary for him to entertain that opinion, as well as to find that important matters were involved, before he could make an order under Con. Rule 1278. The application for leave was, therefore, refused; costs in the cause. E. C. Cattnach, for the defendant. R. U. McPherson, for the plaintiff.

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TOURBIN v. AGER—LENNOX, J.—JUNE 5.

*Injunction—Interim Order—Motion to Continue—Affidavits—Service.*]—Motion by the plaintiff to continue an interim injunction. The affidavit of the plaintiff upon which the interim injunction was granted was not among the papers. The injunction order gave leave to file additional affidavits, but only upon condition of serving copies. Copies of two affidavits were not shewn to have been served. The case was not set down upon the list, and no one appeared for the defendant. Lennox, J., said that, in these circumstances, he would continue the injunction for a week, and the plaintiff could take such measures in the meantime as he might be advised. M. J. McCarron, for the plaintiff.

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MALOT v. MALOT—LENNOX, J.—JUNE 5.

*Marriage—Action for Declaration of Nullity—1 Geo. V. ch. 32—Constitutionality—Marriage of Children—License—Perjury—Evidence.*]—On the 11th September, 1911, The Rev. S. James Allin, then of Windsor, pronounced the defendant and the plaintiff man and wife. The plaintiff, Minnie Malot, brought this action to have the marriage declared void. She swore that there were no witnesses present. The names “Fernie Allin” and “V. May Allin” appeared as witnesses on the marriage certificate,