

ANNETT V. HOMEWOOD SANITARIUM—RE REX V. A.B.—
LENNOX, J.—JAN. 10.

Courts—London Weekly Court—Jurisdiction—Forum—Rule 239.]—Motion by Annett, the plaintiff in the action, for a mandatory order to the Police Magistrate for the City of Guelph to proceed with the investigation of a criminal charge laid by the applicant against A.B. The motion was brought on at the Weekly Court at London, and there heard. LENNOX, J., in a written judgment, said that the application was closely connected with or incidental to a civil action pending against the Homewood Sanitarium in which the applicant was claiming damages for illegal imprisonment. The case came before the Police Magistrate on the 3rd October, 1917, and the charge was dismissed. There might be other difficulties in the applicant's way; but there was a fatal objection of want of jurisdiction. The motion was made in the Weekly Court at London; it was not ex parte; the solicitors for all parties did not reside in the county in which the sittings was held; there was no consent to the motion being heard at the sittings; and no direction of a Judge that it should be there heard: Rule 239. No order should be made. The applicant in person. Hodgins, for the defendant.

CARTER V. WEES—MULOCK, C.J. Ex., IN CHAMBERS—
JAN. 12.

Practice—Claim Specially Endorsed upon Writ of Summons—Affidavit of Merits Filed with Appearance—Failure to Meet Requirements of Rule 56—Order under Rule 57 for Summary Judgment—Appeal—Defendant Allowed to File Better Affidavit nunc pro tunc—Costs.]—An appeal by the defendant from an order of the Local Judge of the District of Rainy River (under Rule 57), striking out the defendant's affidavit of merits and granting the plaintiff liberty to sign judgment for the amount claimed by him in an action upon a covenant; particulars of the claim were specially endorsed upon the writ of summons. MULOCK, C.J. Ex., in a written judgment, said that the defendant's affidavit of merits, filed with his appearance, did not meet the requirements of Rule 56. On the argument of the appeal, leave was granted to the defendant to submit a further affidavit of merits. This he had done, and the new affidavit complied with the requirements