

[Prac.]

NOTES OF CANADIAN CASES.

[Prac.]

Under these circumstances the motion for security was refused.

*R. Martin, Q.C.*, for the motion.

*Laidlaw, contra.*

Ferguson, J.]

[March 30.]

RE HINDS, HINDS v. HINDS.

*Maintenance—Money in court—Lunatic not so found.*

*Holman*, for one Beaty Hinds, moved on petition for an order for payment out of Court to the petitioner from time to time of the moneys to which Charles Hinds was entitled for the support and maintenance of the said Charles Hind, who, as it appeared from the affidavits and papers filed, was a lunatic, though not so found, and was living with the petitioner, his brother.

*John Hoskin, Q.C.*, official guardian *ad litem*, for the lunatic.

FERGUSON, J.—Is there any authority for such an order where the party has not been declared to be a lunatic?

*Holman* cited *Re Bligh* 12 Ch. D. 365; *Re Brandon*, 13 Ch. D. 773.

FERGUSON, J., made an order for payment to the petitioner, out of the lunatic's share of moneys in Court, of the costs of the application, and of an annual allowance to be expended for the maintenance of the lunatic.

Mr. Dalton, Q.C.]

[April 28.]

Rose, J.]

[May 4.]

SMITH v. SMITH ET AL.

*Notice of appeal—Effect of.*

A notice of appeal to the Court of Appeal is not an initiation of the appeal, and therefore where a notice was given, but was not followed up by the appellant giving security as required by sec. 38, O. J. A.,

*Held*, that there was no appeal pending, and a motion to set aside the notice of appeal or to dismiss the appeal was refused.

*F. W. Hill*, for the motion.

*R. A. Porteous, contra.*

Ferguson, J.]

[May 13.]

COTTINGHAM v. COTTINGHAM.

*Infant plaintiffs—Next friend—Appeal to Supreme Court of Canada—Indemnity against costs.*

Where the judgment of the Court of Appeal was adverse to the infant plaintiffs, and their next friend was desirous of carrying the case to the Supreme Court of Canada, and was advised by counsel so to do, and where it appeared that one of the judges in the Court of Appeal had dissented from the judgment of the Court, an order was made protecting the next friend out of the infants' money in Court in respect of the costs of the appeal.

*Watson*, for the next friend.

Ferguson, J.]

[May 13.]

HERRING v. BROOKS.

*Action in Chancery Division—Jury notice—Transferring action.*

In an action for the price of goods sold and delivered, begun in the Chancery Division, the defendant's jury notice, which had been struck out by the order of the Master in Chambers, was on appeal restored, and the action was transferred to the Queen's Bench Division.

*Masse v. Masse, ante p. 179*, not followed, owing to the views expressed in the Court of Appeal in *Pawson v. The Merchants' Bank* (not yet reported).

*Watson*, for the appeal.

*W. A. Reeve, contra.*

Rose, J.]

[May 19.]

ROSENHEIM v. SILLIMAN.

*Examination of witnesses before trial—Rule 285, O. J. A.*

The decision of the Master in Chambers, *ante p. 178*, was reversed on appeal as to the examination before the trial of the clerk who accepted the draft sued on in the defendant's name.

*Ogden*, for the appeal.

*Holman, contra.*