

might devise the same to. The property in question consisted of real as well as personal property.

Held, that the defendant was entitled under the will to a beneficial interest which should be applied in payment of his debts; but it could not be decided upon this motion whether his creditors were entitled to the whole or only to a portion.

2. That as the rights of the receiver were limited to receiving those moneys which were the absolute property of the debtor, free from any trust, it was not improper to make the appointment without security.

3. That the provisions of the Creditors' Relief Act form an exception to the general rule, and are not to be extended to cases not actually provided for by that Act; and therefore the appointment of the receiver was properly made for the benefit of the plaintiff alone.

4. That costs should not have been awarded against the defendant upon an *ex parte* motion.

5. That it is proper to appoint the receiver in the action in which judgment has been recovered.

A. H. Marsh, Q.C., for the plaintiff.

D. W. Saunders for the defendant.

ROSE, J.]

[Dec. 29.

WATSON v. ONTARIO SUPPLY CO.

Married woman—Judgment debtor—Commitment.

An order may be made for the commitment of a married woman to gaol, for refusal to attend for examination as a judgment debtor. Rules 926 and 932 and R.S.O., c. 67, s. 7, considered.

Metropolitan L. & S. Co. v. Mara, 8 P.R. 355, followed.

Aylesworth, Q.C., for the plaintiff.

C. Millar for the defendant Capewell.

DIVISION COURTS.

The Junior Judge of the County of Ontario has sent to the clerks in his county the following memorandum for their guidance, which will be found useful by others of their brethren:—"In consequence of the interpretation put upon the 'Married Woman's Property Act' by the courts, it would appear that the ordinary forms of judgment and executions are not applicable

as against a defendant who is a married woman; and, further, that no judgment by default, such as is permitted in cases of 'Special Summons' is valid as against a married woman.

"Clerks will, therefore, in cases in which claims are put in against persons who they know, or have reason to believe, are married women, not to issue, as against such, the 'Special Summons,' but the 'Ordinary Summons' only; and to add to the 'Particulars of Claim' the following statement: 'The defendant (A.B.) is a married woman, and has separate estate, and contracted the liability in question in respect of such separate estate.' The clerk will not enter judgment in such cases, but will put them on the list for hearing at the ensuing sittings. The form of entry of judgment will be as follows: 'It is adjudged that the plaintiff do recover \$— and costs; such sum and costs to be payable out of the separate property hereinafter mentioned, and not otherwise. And it is ordered that execution herein be limited to the separate property of the said defendant, not subject to any restraint against anticipation, unless by reason of Section 20 of the 'Married Woman's Property Act' such property shall be liable to execution notwithstanding such restriction.' The warrant of execution thereon will be varied so as to read: 'You are required to levy of the separate property of the said defendant, in said county not exempt from execution and not subject to any restraint against anticipation, unless by reason of Section 20 of 'The Married Woman's Property Act' such property shall be liable to execution notwithstanding such restriction, the said moneys and your lawful fees, etc.'"

Flotsam and Jetsam.

PROLONGED SITTINGS.—Some extraordinary judicial doings are reported from Queensland, Australia. The presiding judge was in a hurry to get away, and tried cases continuously for thirty-six hours. At one stage all the available jurors were occupied in considering verdicts, and, not to lose time, the judge ordered the doors of the court room to be locked, and then impounded every person in the audience qualified to serve. Many of the jurors were so exhausted by continuous service that they fell asleep in their seats, but the trials went on.—*Ex.*