PRACTICE.

Boyd, C.] [March 31.

RE MORPHY.

Administration order—Judgment, entry of—Execution creditor of legatee—Receiver—Mistake—Action.

A summary order was made for the administration of the personal estate of M. deceased. The order was not entered as a judgment, as it should have been by rule 485, owing to a mistake of an officer of the Court. The London and Canadian Loan and Agency Co., who were execution creditors of one of the legatees and devisee of M., obtained an order appointing the company receiver of the share of the excution debtor, and served notice of this receivership upon the executors of M., but received no notice of the proceedings under the administration order. The company, however, were informed of the proceedings, and upon an *ex parte* motion procured the administration order to be properly entered as a judgment, and then applied for the carriage of the proceedings under it.

Held, that the status of the company was not that of assignee of the legatee, but only of a chargee or lien holder upon the fund or property to which the legatee was entitled; and therefore, the company would not have been entitled in the first instance, to ask *in invitum* for a summary order to administer; and the slip which was made in not having the order to administer properly entered did not give them any additional right in that respect; but notice of the proceedings should have been given to the company in order that they might be bound by what was done.

A receiver appointed as the company were here has a right to assert his claims actively, though he may require in some instances the sanction of the Court; and, a contention having been raised as to a forfeiture of the interest of the legatee, leave was given to the company to assert their claim by an action.

Arnoldi, for the company.

Moss, Q.C., and *Millar*, contra.

Boyd, C.] [May 3.

MCCAW V. PONTON.

Appeal—Setting down—Dies non—Objection.

An appeal from an order made by a local master on Saturday, the 17th April, in an action in the Chancery Division, was set down to be heard on Monday, the 26th April, which was Easter Monday and a *dies non*. The appeal was put upon the paper for the following Monday.

Held, that the practice followed was a convenient one, and an objection to it was overruled.

Held, also, that the proper mode of taking such an objection was by motion to strike the appeal out of the list.

Neville, for the appellant.

E. Douglas Armour, for the respondent.

Armour, J.] May 4.

LAIDLAW MANUFACTURING CO. V. MILLER.

Judge in Chambers—Divisions of High Court—Distribution of business.

There is now only one Superior Court of original jurisdiction—the High Court of Justice. The different divisions exist merely for convenience in the distribution of work. There is no reason why a judge of the Queen's Bench or Common Pleas Division should not hear a Chambers motion in an action in the Chancery Division, even where it is not a matter of urgency, and where it might as easily have been brought before a judge of the Chancery Division.

W. H. P. Clement, for the plaintiffs.

Holman, for the defendants.

Boyd, C.] May 5.

GOULD V. BEATTIE.

Slander—Particulars—Examination.

An order for particulars, under the statement of claim in an action of slander, of the names of the persons to whom the alleged slander was spoken, was rescinded because the examination of the plaintiff gave to the defendant all the discovery that he sought to obtain by the order for particulars.

Fullerton, for the plaintiff.

Allan Cassels, for the defendant.